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Volume XLIV of the *Hebrew Union College Annual* is the sixteenth number of this series to be subventioned by The Neumann Memorial Publication Fund of the Hebrew Union College and is intended to serve as a memorial to Abraham and Emma Neumann, under the terms of the will of their son, Sidney Neumann of Philadelphia, who died at the age of seventy-nine on February 5, 1956.

Sidney Neumann was a modest, self-effacing son of the House of Israel. A life-long member of Reform Congregation Keneseth Israel of Philadelphia, he was a loyal and devoted friend to three generations of its rabbis. Inspired in childhood by the eloquence of the dynamic personality of a member of the first graduating class of the Hebrew Union College, Rabbi Joseph Krauskopf, Sidney Neumann always felt a special bond of gratitude to the seminary whose graduates ministered to him and to his family. Although he never visited the College, he revered its meaning in his own life and in the life of American Jewry. A bachelor with no human ties beyond the friendship of a few devoted souls, he sought in his bequest to support those aspects of American Jewish life, both in Philadelphia and elsewhere, which best exemplified the ideals and aspirations of his teacher, Rabbi Krauskopf, and which harmonized with his own concept of that which is permanent and enduring.

In his will, therefore, Sidney Neumann bequeathed the fruits of a lifetime of hard work to the institutions which he respected and loved: the congregation to which he and his parents belonged, for the building and maintenance of a chapel; the Delaware Valley College of Science and Agriculture (founded as the National Farm School by Rabbi Krauskopf); the Philadelphia Home for the Jewish Aged; the Jewish Publication Society of America (cofounded by Rabbi Krauskopf); the Moss Rehabilitation Hospital of Philadelphia; the Federation of Jewish Agencies of Greater Philadelphia; the Hebrew Union College and the American Jewish Archives—for scholarly publications. All these, in addition to some modest bequests to many other institutions and to a number of individuals.

It is noteworthy that these generous gifts were not meant to perpetuate his own name, other than through the recitation of Kaddish for him in the Keneseth Israel Temple and the Chapel of the Hebrew Union College; Sidney Neumann contributed these large sums so that an enduring memorial to his parents might be assured.

We, of the Hebrew Union College, therefore, take pride in saluting the spirit of Sidney Neumann with this volume of the *Hebrew Union College Annual* dedicated to the memory of his parents, Abraham and Emma Neumann. *Zekher tsaddiq livrakha*: the memory of the righteous will be a blessing.

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KIN, CULT, LAND AND AFTERLIFE—A BIBLICAL COMPLEX

HERBERT CHANAN BRICHTO

Hebrew Union College-Jewish Institute of Religion, Cincinnati

To the memory of E. A. Speiser, my teacher and friend

1. The concept of immortality in the Hebrew Bible has received such extensive treatment as to put the author of a new venture into this area under obligation to justify the resumption of the theme. This obligation would include these constituents: to define the problem, to express a critical appreciation of previous formulations, to spell out the assumptions and presumptions implicit in his own methodology, to produce conclusions which in substance or emphasis represent, at best, a breaking of new ground or which will, at the least, provide a new perspective for further discussion.¹

The issue of the existence of an immortality concept in the Hebrew Bible has recently been resurrected from a rather dormant state by Mitchell Dahood. His researches in Ugaritic have yielded him a linguistic tool for a reconstruction of biblical Hebrew and a key to the hitherto unsuspected richness of Hebrew lexicography, culminating in an open-sesame to the cave wherein the eschatological treasures of the biblical imagination had hitherto lain concealed. Dahood's claims for his methodology and conclusions have not gone unchallenged; the publication of his *Psalms*² in three successive volumes has enabled him to respond to his critics, notably in the Introduction to Volume III (pp. XLI-LII). There he confesses, "None of the many and vigorous reactions of scholars to *Psalms I* and *Psalms II* has been more spirited than their reaction to my insistence that a deep and steady belief in resurrection and immortality permeates the Psalter."³ The last word in the debate as of this writing appears in *JBL* where Bruce Vawter attacks Dahood's

1 Nothing short of a full monograph would do justice to the history of interpretation of this concept. It is not possible here to provide full bibliographical citations nor to identify all the propounders or supporters of various views. The extent of the literature on the subject can be grasped in the partial listings in the bibliographical notes to the articles on "Death," "Immortality," "Resurrection," in *The Interpreter's Dictionary of the Bible* (hereinafter: *ID*), Abingdon Press, 1962.

2 Anchor Bible, Garden City, N.Y., Doubleday.

3 P.XLI.

position from the points of view of both philological probability and theological consistency.⁴

That two Bible scholars, trained in the same disciplines, belonging not only to the same religious confession but to the same religious denomination,⁵ can arrive at mutually exclusive conclusions concerning a key-concept reflects the nature of the O.T. literature. For all its constituting a corpus in the service of a common ideology and theology, Scripture is a fragment, a residual deposit of a society, a culture and a history of development whose immense substance and shape are only imperfectly suggested in the surviving writings. To change the figure, the Hebrew Bible is the visible tip of an iceberg; the mass below the surface, respecting quantity, distribution and contours, lends itself not to precise knowledge but to informed guesses.

The intuitions which guide the scholar in his attempt to estimate the outlines of what lies beneath the surface derive from, and are reinforced by, two distinctly different sources: the study of coeval and neighboring societies and cultures; and the conceptual categories and thought patterns of the scholar's own time and place. The problem with the former is the elusive character of affinities and disparities; with the latter, the dubious applicability of present-day categories to antecedent time. In both instances, the assessment of propinquity and distance, conformity and divergence, continuity and rupture may be impeded by the shoals of semantics. There swirls around Dahood's argument a welter of terms employed, so one must reluctantly say, with an imprecision and indiscriminateness as to suggest broad synonymity or easy congruency: immortality, afterlife, resurrection, future life, deathlessness, continuation in descendants, salvation after death, translation, heaven, Paradise, Elysian fields, eternal life, eternal bliss, everlasting felicity, etc. A striking case in point is provided by Dahood when he quotes and comments upon a criticism offered by S. Sandmel, who wrote: "I have personally suspected that there has been something wrong in the interpretation of Scripture which has assumed that *immortality or resurrection* (italics ours) awaited the very late post-exilic period to be expressed."⁶ From Dahood's comment: "As may be seen from the last citation [Sandmel], prevailing scholarship does not concede [sic!] to early Israel a belief in *resurrection and immortality* (italics ours)." Whereas Sandmel's use of the disjunctive "or" leaves open the possibility of immortality in Scripture without the presence there of resurrection, Dahood's use of

4 Bruce Vawter, C.M. "Intimations of Immortality and the Old Testament," *JBL* 91, 2 (1972), 158-171.

5 Both Dahood and Vawter are Roman Catholic priests.

6 Op. cit., p. XLII.

the conjunction “and” (together with his reversal of the order) seems to imply that to deny resurrection is also to deny immortality.

It is no wonder then that students in a graduate seminar conducted by this writer were of three minds on the concept of immortality in the Hebrew Bible: a) there is a scholarly consensus that there is none; b) there was such a consensus until it was disrupted by Dahood; c) consensus has been and remains meaningless because the term “immortality” is so ambiguously employed that the issue at hand is itself in question.

Given then the dubious nature of the lines of battle as presently drawn, we shall attack the problem along a different line. Our intent is to explore the iceberg’s surface with a view to what lies beneath: We shall try to determine whether, in the biblical thought-world, death represented a dissolution of being or a transition to a different kind of existence; and, if the latter is the case, the extent to which this view permeated the consciousness of ancient Israel and affected its fears and hopes, influenced or shaped its mores, morality and social institutions.

We shall eschew the distinction between a Greek dualistic view (the body dies, the spirit/soul lives on in God’s shelter or in the realm of Ideas) and a Semitic monistic view (a new life—some combination of soul, form, body—is brought into existence by God). The validity and relevance of this distinction is for the Hellenistic period, a period antedated by the greater mass of biblical literature. All the evidence for the earlier pagan world—Indo-European, Semitic or other than these two—points to this: man was conscious that loss of much blood eventuated in death, that death was associated with absence of breath, that in death the flesh decays while the bones endure, that the recently alive or long-dead reappear in dreams. From this awareness there arose the common assumption which Fustel de Coulanges formulates as follows: “The most ancient generations, long before there were philosophers, believed in a second existence after the present. They looked upon death not as a dissolution of our being, but simply as a change of life.”⁷

It is not our purpose to enter into a philological study of such terms as נֶפֶשׁ, רוּחַ, נִשְׁמָה and their functions as “life-element, spirit, soul, shade, ghost, etc.” While we shall have to enter the fascinating terrain of the nether-world, necromancy and the like, we shall not explore it in quest of answers which may have defied the ancients themselves. While “after-life” seems more appropriate for the biblical concept (as we shall discern it), we shall feel free to use “immortality” as a synonym. We shall further assume that concern for one’s afterlife or immortality is not so

7 Numa Denis Fustel de Coulanges, *The Ancient City* (pub. as *La Cité Antique*, 1864, Eng. transl. Willard Small, 1873), Garden City, N.Y., Doubleday Anchor, p. 15.

much for continuation as such—which was assumed for all—but for one's condition in that after-existence.

Two *caveats* before we proceed. In making extensive use, as we shall, of Coulanges' structuring of the ancient Indo-European mind on the life-death-life continuum we posit no necessary relationship with that of ancient Israel other than a logical or analogical one: we are all too keenly aware of the mischief wrought in Bible scholarship by loose and irresponsible use of comparative anthropology. The pattern discerned by Coulanges is for us a model and a model only; the extent of its relevance for our own investigation will depend strictly on the Scriptural evidence. Secondly, in regard to Scriptural witness: We must take care not to permit a blurring of the lines between various categories of beliefs expressed explicitly or implicitly in the biblical literature. The beliefs and practices common to Israel's pagan neighbors which are categorically rejected by the biblical normative canon are clearly discerned and delineated; less clear, yet sufficiently so, are the positive injunctions for faith and praxis; least clear and liable to mistaken assignment to one or the other of these two categories are certain areas of belief and practice, deriving from ancient mores and folk-beliefs, to which normative Scriptural religion gives the sanction of passive toleration but withholds positive prescription or assent. The evidence we shall examine falls largely into this category; it is in this area that ambiguities, disagreements, shifting emphases and developing consensus are most to be expected on the part of the biblical spokesmen themselves.

2. Let us first attempt a *précis* presentation of the essential elements in the pattern which Coulanges discovered for the ancient Indo-Europeans in the clues from the laws and literature of Greece and Rome, the Vedas of the eastern Aryans and the Laws of Manu.

In the earliest traceable concept, before there developed the notion of a universal abode of the dead, the soul (or life-spirit) remained with the body and was interred with it in its private home, the grave or mound or sepulchre. The necessity of burial (along with the proper rites of sepulture) is due to the dependency of the dead on the food-offerings they receive from their descendants. The happiness of the spirit (or soul) provided by interment and the continued offerings is expressed in a notion of the soul at rest or in repose, a notion which is common in language to this very day. The spirit, deprived of these necessities, wanders wretchedly and endlessly, turns malevolent and uses its considerable powers to afflict the living. Hence men feared death itself less than the deprivation of burial, for eternal rest and eternal unhappiness were at stake. The most terrible punishment, reserved for those guilty of great crimes, was the privation of burial, for thus "they punished

the soul itself, and inflicted upon it a punishment almost eternal (p. 19).” Dependent then upon the living, the dead were nevertheless endowed with attributes of sanctity and divinity, to the point that the offerings and the petitions addressed to them constituted a worship, a domestic worship which was associated both with the burial mound situated on the family holding and with the sacred hearth-fire.

This “domestic religion,” essential to the family and closed to all others, was indeed the “constituent principle of the ancient family.” Not generation, nor natural affection, nor the intrinsic power of the *pater-familias*, but the religion of the dead ancestors “caused the family to form a single body, both in this life and the next. The ancient family was a religious rather than a natural association (p. 42).” The family as a religious unit was transmitted from male to male. A woman participated in it through her father until such time as she formally abandoned it to be initiated by the sacred rites of marriage into the domestic religion of her husband. A natural son by a non-sanctified sexual relationship, a son who renounced the religion (family) or had been emancipated from it was not counted in it, whereas a son adopted by the proper rites of initiation shared the community of worship. The aim of every family was to perpetuate itself forever, it being necessary to the dead that their descendants not die out. Conversely, everyone had a paramount concern in leaving a son after him, in self-interest and as a duty towards the ancestors. The offense of adultery derives its gravity from the fact that by it the chain of descendants might be broken: “The family, even though living men knew it not, became extinct and there was no more divine happiness for the ancestors (p. 97).” Similarly, while a bastard natural son could not perform the all-important duty, the levirate marriage of a widow to a close relative could provide a proper son to the deceased.

Property too was essentially a religious concept, particularly real property. The family was attached to the soil as the notion of the burial place as the ancestral home was extended to the surrounding fields. Laws of primogeniture, succession and inheritance rights, indivisibility and inalienability of real estate, the sacrilegious nature of the crime of moving a landmark all derive from this concept of the family and its real holdings as a unit in any given generation (we shall call this its horizontal modality) and as a unit extending from its first ancestors to all future progeny (its vertical modality).

3. Now as neat as the foregoing schema appears and abundant though the evidence for it is, the achievement of Coulanges lies in his having retrieved it from a straggleing amount of literature, deriving from pre-literate to late Roman times, Historic developments in theology, law,

social organization and political pressures render the Indo-European record itself a palimpsest. Coulanges was fully aware that the rites practiced in the sacrifices, at funerals and in the marriage ceremony by a contemporary of Cicero were older than his time: "and what proves it is that they did not correspond to his religious belief. But if we examine the rites which he observed, or the formulas which he recited, we find the marks of what men believed fifteen or twenty centuries earlier (p. 14)." So too the biblical witness: some at least of our biblical texts were already at the time of their writing fossilized remains of an earlier belief system rather than representative of the possibly more sophisticated thought-world of the later writer. Nevertheless, in regard to elements of Coulanges' pattern which appear in the Bible, we have a basis for approximating the extent to which these elements were still meaningful to most Israelites throughout the span of time which we call the biblical period. For we have a scholarly consensus that the biblical (O.T.) writings were produced in a span of six to eight centuries and are amenable to at least a rough chronological ordering.

No person well acquainted with the contents of the Hebrew Bible could read our précis of Coulanges' reconstruction without associating biblical analogies for almost every element in it, the possible exceptions being the role of the hearth and that of ancestor worship. Mere resemblances do not, however, constitute a valid case. We shall have to investigate the biblical elements and their relation to one another and, weighing the mass of the evidence, judge its significance for the biblical thought-world.

4. The most obvious starting-point for a discussion of the biblical concept of the afterlife is Sheol, the abode of the dead. The ubiquitous references to this realm, the graphic description of its inhabitants greeting a newcomer in Isa. 14:9-21 and the narrative of Saul's communication with one of its notable denizens in I Samuel 28:5-25 would seem to be enough to guarantee agreement that the afterlife was an unchallenged reality for biblical Israel. The latter narrative leaves us in no doubt that the dead retained a form in which his features were still identifiable to the living; he remained in possession of such attributes of personality as consciousness, memory and speech; and, in the specific instance of Samuel, continues in the role of YHWH's prophetic spokesman, indulging in the grim humor of irony. It is therefore of particular interest that Vawter, after dissenting from Dahood's interpretation of biblical texts, proceeds to argue against almost any meaningful concept of an afterlife in the Old Testament's thought-world. In discussing the story told in I Samuel 28 he concedes that "given Israel's cultural dependence on its Near Eastern neighbors . . . there can be little question that it would

have acquiesced in some form or other of its own to the common other-worldly mythology." The story, says Vawter, is "admittedly a moving product of the storyteller's art, but of questionable theological or religious value. It is an isolated example from popular syncretism of what was kept out of the mainstream of Israelite thought and speculation by the tradition reflected in such texts as Isa. 8:19; Lev. 19:31; 20:6, 27; Deut. 18:11." Vawter continues: "Because of its tradition which not only excluded necromancy as a superstition but also discouraged inquiry about as well as of the dead, Israel was compelled to examine the meaning of man's earthly existence to a degree and a depth seemingly without parallel in the thinking of its contemporaries."⁸

It is difficult not to conclude that it was this latter prior judgment which shaped Vawter's view of the Samuel story as being of "questionable theological or religious value" (that is to say, its value for establishing the mainstream of biblical thought). In the same passage, Vawter stretches a point to identify the afterlife in Sheol with "other worldly mythology" and proceeds to the questionable assumption that Scripture opposed such a view as it did mythology in general (even when it used mythological themes for poetic or rhetorical purposes). Yet Isaiah 8:19, cited by Vawter as part of the tradition which kept this "popular syncretism . . . out of the mainstream of Israelite thought and speculation," is by the same author who so vividly portrays events in Sheol in Isa. 14:9–21!⁹ More to the point, however, is that Vawter shares a general misconception as to the biblical position on necromancy, as on magic in general. It is this misconception, that the biblical tradition excluded necromancy *as a superstition*, which moves him to the smooth but unsubstantiated assumption that this tradition "also discouraged inquiry about as well as of the dead."

Yehezkel Kaufmann has persuasively pointed out that the biblical opposition to magic (of which the principal category is foretelling the future) is based not on magic constituting a superstition (i.e., erroneous, hence ineffective, thinking and practice) but rather on its assumed efficacy.

⁸ Op. cit., p. 170.

⁹ Any lingering question as to whether Is. 14 is by the same author as Isa. 8 has been dispelled by H.L. Ginsberg, "Reflexes of Sargon in Isaiah after 715 B.C.E.," *JAOS* 88, 1 (1968), 49–53 . . . Of particular interest to our discussion in his note 27, in which he has reference to the various levels of the nether world, the lowest and least desirable reserved for those not decently buried and cites as extrabiblical parallels Sidonian curses (privation of burial, of "rest with the shades") upon disturbers of sarcophagi. To his citations may be added the "Foundation Inscription of Yaḥdunlim," *Syria* 32, to which my colleague Dr. David Weisberg has kindly drawn my attention. "May Nergal . . . not receive (his) dead. In the house, the place of destiny, may he make his fate evil . . . May DN . . . destroy his progeny and may his descendants not go (=continue?) before Shamash" (lines 20–33).

Magic is proscribed for Israel because it is a recourse to a category of human wisdom whose very efficaciousness tempts man to pursue his goals without reference to the norms of God and to God's disposition of reward and punishment in support of these norms.¹⁰ Thus the verses in Leviticus and Deuteronomy cited by Vawter oppose recourse to necromancy, as does Isa. 8:19, *despite* its presumed efficacy. This efficacy is underscored in the ability of the woman of En-Dor to raise Samuel, in Samuel's accurate prophecy and in the notice of I Sam. 28:6, that Saul's recourse to the medium he had himself attempted to destroy from Israel's midst was an act of desperation, following upon YHWH's refusal to provide an oracle through His legitimate channels: dreams, Urim, prophets.

The En-Dor narrative is thus not "isolated," nor an "example of popular syncretism," nor was it "kept out of the mainstream of Israelite thought and speculation"; and there was no biblical tradition which "discouraged inquiry . . . about the dead." The prohibition of recourse to the dead for oracles is in no way a denial of their existence in an afterlife, of their accessibility to the living and of their interest in them.

5. If death then is not extinction, if the dead continue in existence in another realm rather than (as in the earliest conception, according to Coulanges) in the immediate vicinity of the grave, is there any significant lessening of importance of burial or other forms of sepulture. Apparently there is not; neither in Coulanges' findings for the Indo-Europeans nor in the biblical evidence for Israel and its neighbors, be the latter Semites or non-Semites. The frequent references to burial in the Bible, the thousands of tombs excavated by biblical archaeologists, the horror of exposure of the corpse (which we shall discuss later), all testify to the importance of the practice and suggest not mere sentimental respect for the physical remains as the motivation for the practice, but rather an assumed connection between proper sepulture and the condition of happiness of the deceased in his afterlife.¹¹ For the moment, however, we would direct

10 יחזקאל קויפמן, תולדות האמונה הישראלית, ביאליק-דביר, ירושלים, תשט"ו, כרך א' 465-462; ספר ב' 465-462; *The Religion of Israel* (tr. Moshe Greenberg), Univ. of Chicago Press, (1960), 79: "In the popular consciousness magic was comprehended as a sort of human wisdom. It was idolatrous . . . because it represented human rebellion against God. The Bible . . . bans only the occult science of magic that enables man to work wonders without recourse to God . . ."

11 We employ the word "suggest," for the demonstration of this "assumed connection" is yet to come, cf. below, §§ 14-18. Well worth noting and pondering, however, is the remarkable fact that the connection between sepulture and an afterlife concept, taken for granted in all other cultures (as early as the Paleolithic period, cf. G. R. Levy, *Religious Conceptions of the Stone Age*, N.Y., Harper & Row [1963], 55 ff.), should require demonstration in the case of biblical

our attention to the all-important tie between sepulture and ownership of land. And no single instance of this is as striking as the account of Abraham's purchase of the field of Machpelah.¹²

What must be recognized as central in this account is the ubiquitous biblical pattern of familial entities and their relation to the land to which they hold title. The tribe is an extended family, in fiction or reality deriving from a single ancestral line. No individual may sell his land forever, alienating it from the line of his heirs (sale in *fee simple*, as opposed to sale in *fee tail*, i.e., without restriction upon alienation). This prohibition derives from the vertical and horizontal aspects of land ownership. Vertically, it is the property of the family in time past and future; it belongs to the dead ancestors and to their unborn descendants—it is a *sine qua non* of their stake in immortality. Horizontally, it is the property of the family as the living generation; each individual possesses his land share subject to the overriding ownership of the family as a whole. Whether the ancestors had to be consulted if a parcel of their property was to be alienated we do not know; what must be clear is that the people as a whole, the kinship group which Scripture calls an '*am*,¹³ would, through its empowered representatives, have to give assent before any of its members could dispose of his holdings in per-

Israel rather than be accorded the status of a presumption to be held until disproved.

12 Genesis 23: One sentence suffices to relate the death of Sarah; the rest of the entire chapter is devoted to the account of the obtaining of a burial-place for her. Such characterizations of the narrative as presented by V. R. Gold in *ID*, art., "Machpelah," are objectionable on a number of grounds. Thus, e.g., "a typical example of land purchase under Hittite law," based on M. Lehmann's discussion in *BASOR*, 129 (1953), 15-18. Recourse to Hittite law should be a last resort; especially since the Hethites of the Bible are no more to be identified with the Anatolian Hittites than *māt Hatti*, used by Sennacherib to designate the Phoenician coast and its hinterland, is taken to be Hittite-land (cf. E. A. Speiser, *Genesis*, Anchor Bible, Doubleday [1964], 172-173). Again, Gold's characterization, "a typical example of the lengthy negotiations characteristic of the East," while not demonstrably wrong, fails to get to the heart of the matter and is oblivious to the critical question, why was this detailed account included in the canonical record of the patriarchal tradition? Speiser, on this question, seems to suggest that the story symbolizes a human warrant for Israel's title to its national territory: "The Promised land was a spiritual grant from God. But the best practical safeguard interms that everybody could recognize and accept was a clear legal title to the land" (op. cit., p. 171). Against this, however, is the consideration that possession of land in Hebron could hardly have validated a claim to territory as far north, say, as Shechem; further, there is no hint in the narrative that the center of gravity is anywhere but in the specific requirements of sepulture.

13 Cf. E. A. Speiser, "People 'People' and Nation of Israel," *JBL* 79, 157-163, idem, *Oriental and Biblical Studies*, Univ. of Penna. Press (1967), 160-170.

petuity.¹⁴ Thus in Genesis 23, Abraham's proposal (v. 3) is made not to an individual but to the *B'nē Heth*. The response of the latter to the multivalent Hebrew תנו לי "give me/sell me/grant me/permit me/let me have" (a burial-holding) answers only the latter part of Abraham's formulation, "that I may put away my dead in burial." Their consent appears generous enough: permission to an outsider to inter his dead in any of their burial places. And had the mores permitted that would have been the end of the matter. But Abraham proceeds to do obeisance to the tribal council/elders/senate (the עַם הָאֶרֶץ), the *B'nē Heth*, and replies, "If it is really your wish that I put away my dead, heed my plea and prompt Ephron ben Šoħar to make over to me (ויתן לי) his Cave of Machpelah, lying at the edge of his estate—let him sell it to me (יתננה לי) in your presence (בתוכם) for the full price (בכסף מלא) as a burial-holding." Ephron is one of the elders (ישיב בתוך בני חת) seated in the grave deliberation. His response to the mention of his property is attended by meticulous identification of himself and his confreres. It is Ephron the *Hethite* who speaks up, and it is in the hearing of the *B'nē Heth* that he speaks, indeed, in the presence of all whose rank entitles them to sit in the town council (לכל באי שער עירו). Five more times in the continuing account the consent of the *Hethite* council, cloaked as witnesses rather than parties, is emphasized: לעיני בני עמי (vv. 11, 18), באוני עם הארץ (vv. 13, 16) and in v. 12 where Abraham again does obeisance to the עַם הָאֶרֶץ before responding to Ephron's gift-offer, an offer which is as hollow as the council's permission to bury would have been had it not also granted Ephron permission to pursue the negotiations. A gift without a consideration (as is attested in virtually every legal system) carries no legal weight, can effect no transfer. And Abraham will pay, must pay, and gladly, any sum—for the dead must be buried on land, possession of which is clear and absolute.

14 On this point and elements relating to it in Gen. 23. a) Speiser (*Genesis*, op. cit., p. 172) emphasises for burial the importance of "a title which no law-abiding society would dare to contest and upset;" he recognizes that a "resident alien" could not acquire holdings among the "natives" without "approval by the community council;" the word עִמָּכֶם "with you," in its second appearance in v. 4, he renders "from your holdings," adducing support for the technical sense of "under one's authority" from Gen. 31:38 and Lev. 25:35 ff. b) On the עַם הָאֶרֶץ as "community council," a rendering which does not fully convey the kinship aspect of the community, and for problems relating to later occurrences of the term, see M. H. Pope's excellent article "Am Ha'aretz" in *I.D.* c) On the vertical modality of land ownership. cf. Snaith's comment, cited below, n. 50. d) On the significance of כסף מלא "full payment" in v. 9 in the matter of real estate purchase, cf. Julius Lewy, "The Biblical Institution of *D^EROR* in the Light of Akkadian Documents," *Eretz-Israel* 5, Jerusalem, Israel Exploration Society (1958), pp. 21*–31*, with special attention to p. 31* and n. 90 for (v. 16) כסף עבר לסחר = *kaspi*... *ša amēl tamkari*.

6. We shall return to the theme of the relation of land ownership and afterlife. The next step in our discussion, however, requires an exploration of the levirate institution in connection with kinship, land and immortality. A few prefatory observations are in order:

If ancestor worship and the ultimate ancestral ownership of the land was indeed a feature of Israelite or proto-Israelite religion, it would presumably have existed in patriarchal times or earlier. In biblical religion, not the ancestors but God is the ultimate owner of all property. The ancestors themselves received the land as a grant from Him; even when, as in the case of the patriarchs, actual possession was only to be realized in their descendants. While this gift from God appears at first to be free and unconditional, it soon becomes clear that this is not quite so. YHWH, though God of all creation and master of earth and all its creatures, relates in a special way to one piece of territory, the area known to us as The Promised Land. Of all the vast stretches of earth, God has determined that tenancy and tenure in regard to this tract alone be conditioned by observance of his moral norms. Whatever disturbances may have been occasioned in an ancestral cult-worship—if such ever existed—by its transition to a recognizable YHWH worship, it is clear that the veneration of the ancestors, the sense of their prior claim to the land and continuing vital interest in it must have been accommodated by and integrated with what became normative Israelite worship. Thus, if formerly to enter a proto-Israelite family was to enter its ancestral cult and to enter its cult was to enter the family, now to enter the 'am of YHWH was to enter the worship of YHWH and vice versa.

7a. This last feature is nowhere better illustrated than in the Book of Ruth,¹⁵ the book whose central theme is the celebration of the continuity

15 As our discussion of this Book unfolds it will become clear that we regard the traditions in the book as both ancient and authentic. The dating of the book has no direct bearing on, nor is it a necessary basis for, our thesis, simply because even young compositions may contain ancient materials. Our own disposition is to regard Ruth as an ancient composition in keeping with the perceptive judgment of S. R. Driver (*Introduction to the Literature of the Old Testament*, Edinburgh, T. T. Clark, 9th ed. [1930], 454-456). Even R. H. Pfeiffer (*Introduction to the O. T.*, N.Y., Harper & Bros. [1941], 717-719), who prefers a postexilic date confesses, "The general character of the Hebrew vocabulary and syntax, the use of ancient idiomatic expressions current in the best prose of the O. T. (J and the old source of Samuel), and the classical purity of style could be adduced in favor of an early date." The basis of Pfeiffer's preference for a postexilic date, "a fanciful and unwarranted interpretation of the law of the levirate marriage (Deut. 25:5-10)" is Burrows' thesis (*JBL* 59 [1940], 445-454), rejected in our discussion, below, § 7 f-i. What we find far more disturbing is the readiness of an Eissfeldt (after he discounts other evidence for a late date) to fix the book "with reasonable certainty in the post-

of a family line, a line which could not have been closer to extinction, achieved by the loyal piety of a woman who had not herself been born into the Israelite 'am but had entered into it via marriage. The instrument by which the continuation of the line is achieved is, of course, the levirate marriage,¹⁶ the union of the widow of the deceased with a next-of-kin to produce a son who will be, for the purposes of preserving the ancestral line, the son of the deceased.

7b. The theme of immortality as, indeed, the concatenation of kinship, land and cult appears in the opening dialogue between Naomi and her widowed daughters-in-law. Bereft of husband and sons, unblessed with grandchildren, Naomi expresses her gratitude and her fine appreciation of their willingness to accompany her to her native land of Judah by invoking YHWH's favor upon them for the loyalty (חסד) which they have displayed to her and to the dead. The specific prayer is that YHWH grant that each of them find "rest," in the home of her next husband. Now "rest" is hardly the normal rubric for the felicity which one invokes upon a girl about to enter a conjugal relationship. The term מנוחה, standing for repose in eternity, is the very thing which is now denied Naomi as it is to her dead husband and sons who have no hope of progeny. To the unrealistic insistence of her daughters-in-law that they accompany her to her 'am, as if they might yet perform the service of providing her with issue, she responds with an argument that progressively builds up the futility of their proposal. "Turn back, my daughters. What is the point of your accompanying me? Do my innards yet hold a store of sons who might become your husbands? Turn, go back, my daughters to be someone's wife. Even were I to think, 'Yes, there is hope for me' — indeed [to say], 'I was possessed by a man last night, — [better yet], 'I have already borne sons' — would (could) you wait for them to grow up, endure husbandlessness for them rather than be taken by a husband! No, dear my daughters, my bitter condition is too grave for you to share¹⁷—verily the hand of YHWH Himself has assaulted me."

exilic period" on the shaky subjective argument "that the breadth of outlook towards another nation which appears here as in the book of Jonah is more readily intelligible in a later than in an earlier period." (*The O.T.—An Introduction*, trans. P. Ackroyd, N.Y., Harpers & Row [1965], 483.)

16 A considerable quantity of scholarly energy has been unnecessarily expended on the question as to whether the unions of Ruth and Boaz and Judah with Tamar (see below § 7f–7i) are really to be included in the category of the "levirate" on the grounds that neither male is a brother-in-law (Latin, *levir*) to the woman. As used by us here "levirate" refers to any union in which a boy sired on a widow by a kinsman of her dead husband is accounted as the latter's posterity. Note that Judah's relations with his daughter-in-law were in circumstances clearly precluding the benefit of clergy, hence no marriage at all; but a levirate union it was and the consequences so interpreted by Scripture.

17 This rendering of כי מר לי מאד מכא may strike some as bold, yet it is

7c. Orpah leaves tearfully, Ruth remains. Naomi urges her to follow the example of her sister-in-law. The words fairly leap out from the text: "She has gone back to her kin and her gods." Ruth's reply incorporates every element in the schema we have under discussion: Home, kin/people, gods/God, death, burial. "Do not press me to abandon you, to turn back away from you. No, where you go I go, where you lodge I lodge, your people is my people, your God is my God. Wherever you die I shall die and there be buried. YHWH do such-and-such to me and worse if even death part me from you."¹⁸

7d. Naomi and Ruth arrive home in Bethlehem at the start of the barley harvest. By chance Ruth joins the gleaners on the estate of Boaz, a wealthy kinsman of Naomi's husband, Elimelech. To Ruth's question as to why he has singled her out for gracious treatment, (since she is an alien), Boaz responds with his knowledge of her loyalty to her mother-in-law after her husband's death, her leaving father and mother and native land to head for a people ('*am*) of whom she has had no previous experience. Again: kin and land! The third element follows hard upon in Boaz' blessing, "May YHWH grant you payment for your deeds, may the wages be full which you receive from YHWH, the God of Israel under whose aegis you have come to take shelter." When Naomi learns of Ruth's having chanced on the fields of Boaz, of her having been so favorably received by him, her expression of thanks brings back into focus the central theme of the dead and the living and adumbrates the next logical step: "Blessed by YHWH be he who has not forsaken loyalty to the living and the dead... he (Boaz) is a kinsman of ours, in the 'redeemer line' (מגאלני)..."

7e. The next step is projected by Naomi, the expression for getting Ruth properly settled employing the rubric מנוח (cognate of the מנוחה

what the context calls for and the Hebrew can sustain. To render מכם as "for your sake" as do almost all translations is to ignore the many expressions for this English sense in biblical Hebrew and this solitary appearance here. The care with which the preposition (ל) attached to a pronominal ending is to be approached may be illustrated by Gen. 38:26 where Judah's two-word sentence clearing Tamar מלני צדקה is not, "She is more in the right than I" (so JPS Torah) but "She is right, not I"; מלני = "as over against me."

18 So, and correctly, RSV. The comment on this verse (*Interpreter's Bible*, hereinafter *IB*, ad loc., p. 833) by the Expositor, J. T. Cleland, "the KJV ("if *ought* but death") is surely the preferred reading here, since the hope of immortality was not commonly accepted even as late as 250 B.C.," presents a classical example of the methodology we decry; see below, § 25 and n. 82. What Cleland is saying, and he is not alone, is: If the Hebrew Bible does not say what I think it should say in view of my view of its view (on immortality), then a mistranslation is to be preferred to a correct one. *Caveat emptor!* Parenthetically it may be observed that the correct translation need not assume a belief in immortality; it could be a poetic expression for burial in the same place.

she wished for her daughters-in-law in their future husbands' homes in Moab). Following the winnowing of the barley harvest and the feast in which it culminates, Boaz makes his bed in the vicinity of the threshing-floor by a heap of grain. When in the night he awakens with a start to find a bathed and perfumed damsel curled at his feet under his wrap his call for her identity elicits the response, "I am your humble servant, Ruth. Take me under your aegis, you are after all a *go'el*." Interestingly enough, Boaz discerns in Ruth's petition additional evidence of her fidelity: "Blessed of YHWH may you be, my daughter. In this last act of loyalty, in not running after any of the young gallants, you better the first act." What Boaz has in mind, of course, is that Ruth can pursue her own personal happiness in a marriage to any swain; instead she single-mindedly seeks a union with a kinsman of her husband's who as levir may produce a son for him. Boaz assures Ruth of his readiness to play the levir's role; first, however, the option to fulfill that role must be presented to a closer relative of her husband's, one who stands ahead of Boaz in the line of *gō'ālīm*.

7f.¹⁹ The scene shifts now to the city gate of Bethlehem, where Boaz recruits ten of the city's elders to sit in formal session (reminiscent of the *באי שער עירו* in the narrative of the Machpelah purchase) to witness his address to the anonymous *go'el*. He informs the *go'el* that Naomi who has returned from the steppes of Moab is doing or has done something with the plot of land belonging to her dead husband Elimelech, who is kinsman to both Boaz and the *go'el*. The verb *מכרה* "has sold," of which Naomi is the subject can refer to a sale of land either in fee simple or fee tail. Though the verb is in the perfect tense, thus a straightforward statement that the "sale" has taken place in the past, many commentators have translated it as a present, thereby introducing an almost unresolvable confusion in the understanding of the levirate in its connection with the patrimonial estate.²⁰ That the sale took place

19 The substance of 7f-7i was delivered in August 1969 in Jerusalem at the Fifth World Congress of Jewish Studies and appears in its *Proceedings*, World Union of Jewish Studies, Vol. 1, pp. 27-30: *חליצת הנעלים במקרא* and English abstract, 225-226: "Taking-off of the Shoe(s) in the Bible."

Limitations of space preclude reproduction of the bibliography on the levirate in Israel as compared with that institution among her ancient neighbors. For items other than those cited in the present discussion, see H. H. Rowley, "The Marriage of Ruth," *Harvard Theological Review*, XL, 2 (1947), p. 82, n. 10.

20 We shall list here the more recent scholarship on the subject of the levirate in Scripture, all of which refer to previous studies. While it is our immodest claim to have solved the problems which are unsuccessfully tackled by these investigators, we shall cite their views at various points so that the reader may get a sense of the convergences and divergences in our treatments of the material. The articles are: Millar Burrows, "Levirate Marriage in Israel," *JBL* 59 (1940), 23-33, and "The Marriage of Boaz and Ruth," *JBL* 59, 445-454;

in the past is apparent from Naomi's situation. She has returned from Moab penniless and is completely dependent upon her daughter-in-law's gleanings in the field of a generous kinsman. Had the land been hers to sell, she would have done so some time before. It is highly unlikely, however, that the plot was ever hers to sell at all, for it is inconceivable that Elimelech would have chosen an exile's sojourn (for a good many years, be it noted) in Moab unless he had already exhausted his means in his native country. What we are suggesting then is that the land had been sold by Elimelech (in fee tail, for even to him sale in fee simple would have been denied) and at the time of the story was still being cultivated by its purchaser(s). The active perfect is to be rendered as past and passive (the latter being far from unprecedented in biblical Hebrew: cf. Gen. 29:34; 31:48). The sense is that the land to which Naomi holds title (*in loco conjugis*) is now in the hands of strangers. Since land sale in Israel is never in fee simple, being inalienable from the family, it is no accident that the proposal of Boaz to the *go'el* features two verbs (*qnh* = acquire and *g'l* = redeem), for the proposal is that the *go'el* is to acquire (*qnh*) from Naomi the right to redeem (*g'l*) the land from its present incumbents.

That the acquisition of the power to redeem the plot of Elimelech is a privilege is attested to by the *go'el*'s ready agreement to exercise this option. It is the other face of the coin, obligation, which brings the *go'el* to reverse his decision. Acceptance of the privilege to redeem is obligation to raise the name of the dead upon his legacy. The two go hand in hand: "The moment you acquire (ביום קנותך) the field from Naomi and Ruth the Moabitess, you acquire the deceased's wife for the purpose of perpetuating (להקים) upon it the name of the deceased." What is particularly noteworthy is the *go'el*'s formulation of the reason for his disinclination to exercise his right: "lest I damage (פן אשחית) my own legacy (נחלתי)." Since there can be little question that the *go'el* will have the usufruct of the redeemed plot during his own lifetime,

H. H. Rowley, cf. preceding note; Thomas and Dorothy Thompson, "Some Legal Problems in the Book of Ruth," *Vetus Testamentum* 18, 1 (1968), 79-99.

On the specific point of the perfect tense of מכרה; Burrows cites and rejects Bertholet, Nowack and Jepsen who render it as past tense; he cites Gunkel whose reason for the improbability of Naomi's having sold the land is close to ours. Rowley concedes the improbability of the property's having been effectively occupied by Naomi since her return but speculates that Naomi must have had "some title of her own in the property;" this speculation he unwittingly contradicts in the following observation that "the next of kin was entitled first refusal of this"—forgetting, apparently, that the "next of kin" here is her husband's, not her own. Thompsons', on the gratuitous and unfounded assumption that in Israel a wife could inherit her husband's property (so also Burrows), have her offering the property for sale through Boaz. Our view, herein developed, is the only one which conforms to the biblical evidence.

the *go'el's* concern can only be for the disposition of his legacy after his death.²¹ The welfare of the dead is somehow connected with the continuation of his line upon his inherited property and the more sons the greater the deceased's security (מנוחה). But the biological son of the *go'el* by Ruth is, for this purpose, no son at all. He is the son of the deceased who, as is always the case in the levirate, will inherit the redeemed plot to perpetuate upon it the posterity of the deceased. The impairment of the levir's legacy/estate (נחלה) lies in this, that he is spending his own money to redeem another man's plot, to support another man's widow, to raise another man's son to guarantee the afterlife of that other.

7g. It now becomes clear why in Genesis 38 Onan refuses to perpetuate issue (והקם זרע, v. 8) for his brother: verse 9, "But Onan, knowing that the seed would not count as his, let it go waste on the ground every time he cohabited with his brother's widow, so as not to contribute offspring for his brother." Had Er (the first born) lived, his entitlement as firstborn to a double share would have left Onan and Shelah each with one-fourth of Judah's estate. With Er dead without issue, Onan will have one-half of his father's estate to pass on to his posterity. But if he as levir provides a son for Er, that grandson of Judah's will be heir either to his father's total share (one-half) or to at least one-third of the total, while all of Onan's posterity together will divide a fourth at worst, a third at best.²²

21 Even the commentators (e.g., Rowley, op. cit., p. 90) who are struck by this reason for the refusal of the privilege to redeem, and attempt to explain it in terms of Ruth's firstborn son not being the heir of the *go'el*, fail to realize that the *go'el* would enjoy the usufruct during his lifetime, hence miss the crucial consequence in terms of the *go'el's* concern for his status in the afterlife.

22 Burrows, finding in Deut. 25 no indication that the levir was the heir or would be the heir in the absence of a levirate marriage, speculates that if it is assumed that he is the heir, "it is at least noteworthy that the penalty imposed for refusal to take the widow does not include forfeiture of the inheritance" (JBL 49, p. 29). His immediately following sentence is, therefore, unintelligible in this context: "What disposal would be made of the dead man's estate in such a case is not indicated." Rowley rejects Burrows' speculation, "It seems inconceivable that he would be rewarded for his dishonor of his brother by the possession of that brother's estate (op. cit., p. 90, n. 47). Both these commentators thus miss the motivation in Genesis, Deuteronomy and Ruth for "The Case of the Reluctant Levir."

Th. and D. Thompson (op. cit., pp. 87-88) cite I Chron. 2:34 and Num. 27:1 ff. as showing that while "in order for the name to be preserved, the man's inheritance has to be maintained in his family... that family is *not* considered to include the brothers of the man." Num. 27:6-11 explicitly contradicts the Thompsons' argument. While affirming the claim of Zelophehad's daughters to their father's allotment *in the absence of sons* (to Zelophehad), the passage states that if a man has neither sons nor daughters, his heirs are

One may well wonder whether the institution of the levirate, surely among the oldest of Israel's inherited mores, ever achieved the status or the force of law. By its very nature and operation it pits motives of kinship, loyalty and piety against enduring self-interest and selfishness. As the behavior of Onan demonstrates, it is one thing to foist upon a man his brother's widow, but quite another to insure her fertilization. Little wonder then that by the time of Deuteronomy the formulation of the matter of the levirate had to be in terms of what tradition and piety would dictate on the one hand but, on the other, in terms of how to proceed in the all-too-frequent event that tradition and piety prove to be most feeble motivations when set against considerations of self-interest and selfishness. And noteworthy indeed is the feebleness of the sanctions.

7h. But let us turn back to Chapter 4 of the Book of Ruth and examine the procedure which follows the *go'el's* declination to play the levir. The *go'el* said (v. 6), "Exercise for yourself my (first) right of redemption (גאל לך את גאולתי), since I cannot exercise it . . ." (v. 8), the *go'el* said further to Boaz, "You assume the acquisition for yourself (קנה לך)," ²³ and drew off his shoe. The intervening v. 7 glosses for the

his brothers or (if he has none) his father's brothers or (if his father had no brothers) the next of kin. Had we only this passage dealing with the case of Zelophehad's daughters we might speculate, (a) whether this was a onetime occurrence, significant for the later clan-history of Manasseh; (b) whether the prescriptive legislation received in this special oracle ever became normative in Israel (as, for example, Exod. 21:2 and Deut. 15:12 did not—witness Jer. 34); (c) whether the husbands of Zelophehad's daughters might not have been regarded as the somehow adopted sons of their father-in-law, and so able to carry on *his* line. Fortunately, we have more than this passage to go on. Num. 36:1-12 has the daughters restricted to marrying clan-kinsmen, and Num. 26:28-34 has the line of Hephher continuing through his only son Zelophehad through the latter's daughters!

In the case of the Chronicles passage, Sheshan, who had only daughters, gave one of them to his Egyptian slave, a marriage through which he obtained male heirs. However, an Egyptian slave, in contradistinction to an Israelite one (no slave at all but merely an indentured servant unless he undergoes the procedure described in Exod. 21:2-6, on which cf. Draffkorn, op. cit., n. 74) is regarded as a son of the Israelite family, owning no line of his own, and therefore ideally suited to continue his master's line. Whether, in such a case, formal manumission and adoption would have been involved we do not know, but cf. Gen. 15:2-4, where Abram's בן בית (member of his household) is a slave and will be his heir if he sires no son. (The status of a slave of non-Israelite origin as a member of the family is virtually assured by the injunction that such be circumcised, Gen. 17:12-13.)

23 The tale of Jeremiah's purchase of his kinsman's estate in ch. 32 (discussed below, §16b) features both terms גאל and קנה. Particularly instructive for our immediate context is 32:6, where Hanamel says to Jeremiah קנה לך את שדי אשר בענוות כי לך משפט הגאולה לקנות "Buy (קנה) my field in Anathoth (Jeremiah's native town) for the rule of redemption (makes it) your right to purchase." This

narrator's contemporaries the removal of the shoe as the standard procedure in the past, "in regard to redemption and exchange/transfer—that was the attestation in Israel." To be noted are the following points: (1) Nowhere else in the Bible is a transaction accompanied by or effectuated through the transfer of a shoe; (2) the transaction here is not a general one such as, for example, simple purchase; (3) nor can we confidently assume that the ritual is confined to a levirate situation; (4) the phrase "to effectuate any/every matter" (לקים כל דבר) follows and hence is likely to be restricted to a transaction of such a specific nature; (5) the terms גאולה and תמורה while possibly parallel are not necessarily so; and finally, (6) the transaction between Boaz and the *go'el* is clearly not one of redemption (גאולה)²⁴—rather is it that of a transfer (תמורה) of the right of redemption from the *go'el* (who in v. 6 called it גאולתי "my right to redeem") to Boaz who is next in line to exercise the option.

In the light of the foregoing then we propose that גאולה must be rendered as "right of redemption" rather than simply "redemption" and that הגאולה והתמורה constitutes a hendiadys equal to "transfer of the right of redemption"; the force of the entire gloss is, "formerly in Israel, in regard to the transfer of the right of redemption, to effectuate any such transaction, a man would remove his shoe and give it to the other party—that was the (manner of) attestation in Israel." The requirement of the symbolism of the shoe-transfer here in contradistinction to transactions of a general commercial nature is to be seen as deriving from the need to concretize a highly tenuous transaction, for properly speaking there is no transaction: no consideration, no *quid pro quo*, no symmetry

account of a transaction parallel to our case in Ruth refutes the contention of Burrows (*JBL* 49, p. 446) that "Boaz receives the property not as heir but as purchaser. Attempts to treat the affair as a case of inheritance by the nearest male relative have only confused the issues. The verb *yrš* and its derivatives are not used. Boaz acts as redeemer, and land was redeemed by purchase (Lev. 25: 23-34; Jer. 32:8)." One wonders how Burrows could have overlooked that the last verse he cites features the very element he finds missing in Ruth: כי לך משפט ה' ירשה ולך הגאולה קנה לך. Together with the other two terms the term *yrš* here (and Jeremiah is no more heir to his kinsman than Boaz to his) makes it clear that inheritance lies at the crux of the matter. The *go'el*, not Naomi, would have inherited Elimelech's property had no male child of Elimelech's been produced by the levirate union; it is his right to גאל it from the incumbents who hold it in fee tail. When the *go'el* yields to Boaz, the latter acquires it in the line of ירושה (though he too must redeem it from the incumbents), a line which will continue, however, through that future child who, while the biological son of Boaz, will be counted as the real son of Elimelech, Naomi and Mahlon.

24 This is recognized by Rowley, "The drawing off of the shoe did not signify the purchase or sale of any property, for the kinsman neither bought nor sold anything... [it] signified the abandonment of the obligation resting on the kinsman in respect of the property and in respect of Ruth (op. cit., p. 87)."

in giving and receiving. A right, a presumptive privilege, is yielded or surrendered to the claimant next in line. It is clear that neither the *go'el* nor Boaz is under legal or moral obligation to play the levir (pious act though that is), although each in turn has a claim to exercise a privilege if he will also undertake the obligation. It is his prior claim to this privilege which the *go'el* yields to Boaz.

7i. But the same cannot be said in regard to the widow of the childless deceased. As may be deduced from the status of Tamar in Genesis 38, the widow is still tied to her husband, dead though he is. She is not free to remarry as is a normal widow. Her obligation, so long as a potential levir exists, is through him to produce a son for her husband—which brings us to the removal of the shoe in Deut. 25:9. If the levir refuses to fulfill the levir role, there is no way of forcing him—but in that case the sister-in-law, the innocent and rejected widow, must be freed of the tie and the obligation which it is not in her power to loosen or resolve.²⁵ As in the Book of Ruth, the removal of the levir's shoe—this time its delivery to the widow—symbolized the levir's surrender of his claim, of his presumptive right.

The shoe as a symbol of ownership has been adduced from Ps. 60:10 (/108:10) and from Nuzi texts.²⁶ Neither of these attestations is without problems. In the case of the evidence from Nuzi, in some of the texts the function of the shoe as symbol is questionable and in others the symbolism of ownership inheres in the foot rather than in the shoe. As to the psalm verse, the parallel to "upon Edom I cast my shoe" is, "Moab is my wash-basin," suggesting a symbolism of contempt rather than of ownership. The strongest evidence for the shoe as symbol of ownership (ownership of a right, at least) lies in our Ruth passage itself. However, we have adequate evidence for a somewhat broader symbolism inhering in shoes. The equation of shoes with power, mastery, victory, pride and dignity emerges convincingly from texts which equate the removal or lack of shoes with weakness, subservience, defeat, humiliation, and grief. Thus the removal of shoes in Ezek. 24:17, 23 is explicitly a mourning rite; in II Sam. 15:30 and Isa. 20:2-4 a sign of defeat, subservience and humiliation; and in Exod. 3:5 and Josh. 5:15 a sign of humility on the part of a man who finds himself standing on a sacred spot, that is, on territory which is in a particular and special sense the property of deity.

25 This is recognized by almost all the commentators.

26 Cf. E. A. Speiser, "Of Shoes and Shekels," *BASOR* 77 (1940), 15-20, and idem, *Oriental and Biblical Studies* (op. cit.), 151-159; E. R. Lacheman, "Note on Ruth 4:7-8," *JBL* 56 (1937), 53-56. The view of the former is criticized (correctly and cogently) by T. and D. Thompson (op. cit.) whose discussion of the shoe-symbolism is congruent with our own.

Whatever nuance lies in the verb חלץ²⁷ (as contrasted with other verbs employed for removal of shoes (שלף, נשל) or in the removal of the shoe by the rejected widow, and not by the recalcitrant levir,²⁸ it is clear that בית חלוץ הנעל was already for the writer of this passage in Deuteronomy an idiom connoting loss of dignity or rank. The burden of Deut. 25:5–10 is to declare on the one hand what piety and loyalty to one's dead brother dictate and, on the other, how the widow may be released if the levir perseveres in his refusal to fulfill his obligation, a moral obligation which may never have achieved the force of law. The close association of property and pride and the double symbolism of the yielding of a property right and the stripping of honor made it possible for the one act of removing the shoe to serve both a legal necessity (the release of the widow) and as an expression of contempt for the person (and his descendant line!) who, in scorn of piety, created that legal necessity.

7j. The three levirate passages, discussed at a length hopefully not wearisome, disclose that the degree of importance attached to that institution was balanced by the reluctance of the levir to fulfill his obligation. This reluctance could conceivably have stemmed from a number of reasons: personal distaste; a feeling that the levirate relationship bordered on incest; that keeping one's brother's name alive (whatever that means) was not a very significant act; or even from a disbelief that the condition of the deceased in his afterlife was in any way dependent on leaving a son upon his share of the patrimonial inheritance. Our analysis has shown, however, that the reluctance stemmed from none of these considerations. Rather, it derived from, and is explicable only in terms of, a continuing operative belief that there is an afterlife, that security or happiness in that afterlife very much depends on one's descendant line continuing to exist on one's ancestral property. So strong was this belief that a man would discount the natural affection that would tie him to his future (biological) son; he would, further, forego the usufruct of a property during his own lifetime; all this in order that his wealth and a larger share of the patrimonial estate be handed down

27 A root which has in the Bible connotations of "armed" (Akk. *halṣu*, "fortification"! *hilṣu* "belt," the latter also in Aramaic); "loins (*BDB*: as seat of vigor)", as verb. "draw off/out, deliver" (in latter sense *ḥṣl* [metathesis] in The Zakir inscription); as noun, "robe of state" and "what is stripped off" (a defeated warrior as plunder) could not have been more ideally suited to the double symbolism of the shoe's removal as herein expounded.

28 It is likely that the removal of the shoe by the owner reflects the voluntary nature of the yielding of a right, whereas the removal by the widow reflects the imposed humiliation in connection with the yielding of a claim which the levir should not in piety have foregone.

to those sons of his who count as such in the matter of securing his felicity in the afterlife.

7k. The last twelve verses of Ruth, though bristling with problems, offer nonetheless a number of supports for this view of the importance of the afterlife concept in biblical Israel. After the announcement of the birth of a son to Ruth in v. 13 the text continues (vv. 14–17): “The women said to Naomi, ‘Praised be YHWH who this day has not left you without (לֹא הִשְׁבִּית לָךְ) has provided you with) a *go’el* . . . who gives you a new lease on life and will be your stay in your old age. Truly (כִּי), your daughter-in-law who so loves you has given birth to him, she who has served you better than (could have) seven sons!’ Naomi took the boy, clasping him to her bosom, and served him as nurse. The women neighbors had a designation for him (וַתִּקְרָאנָה לוֹ הַשְׁכֵּנוֹת שֵׁם), to wit: ‘A son has been born to Naomi.’”

The levirate, loosely speaking, is a legal fiction. But we must remember that a legal fiction may create or bespeak a reality larger than life. And it is this larger reality which powers the story which has passed for a simple rustic idyll. Naomi—as, indeed, Elimelech and his son, Ruth’s dead husband—has been provided with a son though the biological mother is unrelated by blood to any of them: what any number of sons might have failed to do by reason of untimely (i.e., childless) death, Ruth’s pious loyalty has achieved. She, who could have achieved her own immortality in a marriage with any Israelite or, without leaving her native land, through a Moabite husband, has preserved an Israelite line—this against the backdrop of a callous unconcern within that Israelite family itself. We must not let the power of the climax divert our attention from the *go’el* in v. 14, the *go’el* who was granted by YHWH *this day*: that *go’el* can only be the newborn child!²⁹ The *go’el* then was not merely a close-kinsman obligated to blood-vengeance or privileged to redeem property. The *go’el* is he who redeems the dead from the danger to his afterlife by continuing his line.³⁰

7l. We cannot leave the Book of Ruth without examining the use of the term קָרָא (lit., “call”) with שֵׁם (lit., “name”) as object (or, pos-

29 And so recognized by the Thompson’s, but, incredibly enough, not by virtually all commentators. The only explanation we can offer for this myopia is the force of the general conviction that “immortality through children” meant only propagation of genes or preservation of memory.

30 We presume to offer a contemporaneous analogy. In Jewish tradition the great doxology called The *Kaddish* (cf. article *Jewish Encyclopedia*) is recited, particularly by a son, in mourning for his deceased parents and upon the anniversaries of their deaths—this in keeping with a tradition that such recitation is effective in redeeming the dead from sufferings in Gehenna. By metonymic extension a father (to this very day) will refer to his firstborn or only son as his “kaddish.” But for anachronism, Ruth’s firstborn was the kaddish of Naomi.

sibly, in the passive with שם as subject). In our translation of 4:17 we rendered ותקראנה לו השכנות שם as, "The neighbor-women had a designation for him," which requires no defense as far as fidelity to the Hebrew is concerned. The normal rendering "gave him a name" is indefensible. First, what follows is not a name at all but an identification: Whose son is he? Naomi's. Second, it is not the prerogative of neighbors to name someone else's child. By the same token in the phrase ותקראנה שמו עובד which immediately follows, the verb ותקראנה must be taken as contamination from the earlier usage or else as a loose use of the active with the subject closest to hand in order to convey a passive meaning with an indefinite agent (cf. Gen. 29:34, 31:48). This phrase must therefore be rendered, "and he was named Obed."

The normally accepted renderings for וקרא-שם (4:11), "and be famous" and for ויקרא שמו (4:14), "and let his name be famous" are without any support whatever. Our suggestion is that the word שם has the metonymic force of "family-line" comparable to that same force for בית "house."³¹ The expression לקרא שם in this context then is equivalent to להקים שם in Ruth 4:5 and והקים זרע in Gen. 38:8. The expression קרא שם in this context would simply stand for "continue/perpetuate (the) family line." Further support for this will be adduced in the immediately following discussion.³² For the present let us note that the Septuagint reading for ויקרא שם in 4:14 strengthens our case. To render the Greek *καὶ καλέσαι τὸ ὄνομα σου* as "and may he call your (Naomi's) name" would make no sense at all, whereas what the newborn child does do is to perpetuate Naomi's line, the line of her husband and son.³³

31 This force for בית is easily recognized in a royal or priestly context where it is often rendered "dynasty." Occurrences with this force in other contexts are discussed below, § 21.

32 For Akkadian parallels for קרא שם = beget/produce/grant a name (=) son, line, posterity, and interdialectal cognates of שם, זכר, etc., discussed in § 9, see below n. 41, second paragraph.

33 There are several loose ends to be tied in our treatment of the Book of Ruth which, though germane to our concern, are not crucial for it. There is the question of the genealogy of David (whether original or attached at a later time) which traces the son of Jesse's lineage to Obed, son of Boaz and Ruth. If Obed is the firstborn then he is the son of Mahlon not Boaz. Rowley doubts that any sons after the first are provided for in the Deuteronomic "legislation" on the levirate, and assuming Boaz as childless, concludes (and the Thompson's are in agreement) that the first- (and only) born to Boaz and Ruth is heir to both Elimelech's and Boaz' estates, continuing the name of both on an estate made greater by the fusion of the two estates to the greater comfort of both names. Boaz's childlessness is implicit in the narrative; but the suggestion is far-fetched. The Bible knows as well as we do that a person can no more have two fathers than two mothers. Despite the denials by some commentators, there are two separate clues as to further sons born to Boaz and Ruth and to the genealogical reckoning. Thus in 4:11 the prayer offered for Boaz is that the

8. We believe that our discussion to this point has established a *prima facie* case for the following as the biblical view. Death does not constitute dissolution but rather a transition to another kind of existence, an afterlife in the shadowy realm of Sheol. The condition of the dead in this afterlife is, in a vague but significant way, connected with proper burial upon the ancestral land and with the continuation on that land of the dead's proper progeny.

Conforming to the above is the enormous amount of evidence for the paramount importance placed on male progeny by Scripture. What requires explanation is the reluctance of so many students of the Bible to acknowledge this vital link to the concept of an afterlife.³⁴ The explanation must lie in part in the unpalatability of the kind of afterlife which Scripture presents; the more authoritative Scripture is held to be, the less one is likely to recognize in it a view which gave way to a more welcome concept.³⁵ In part the explanation lies with the failure to recognize that שם and its synonym זכר stand for "(line of) descendant(s)" and not merely for "name" or "memory."

woman entering his house be like the matriarchs, Rachel and Leah, the *two of whom* (!) (שתיהם) built up the line of Israel. Why this emphasis unless a reference to the two lines within the house of Israel, pointing to two lines within the house of Boaz? The second prayer (v. 12) is, "May *your* line be like the line of Perez whom Tamar bore to Judah (as a consequence) *of the issue* (הורע, collective) YHWH grants you of this maiden." Boaz' own descent from Perez (v. 18) has blinded commentators to the significance of the fact that Gen. 38: 27–30 tells of the birth to Judah of twins. In v. 28 the midwife binds a red thread on the hand of one and declares him the firstborn, who is named Zerah; Perez is the secondborn for all the word-play in his being named "breach-maker." The second prayer thus complements and virtually explicates the first—that after Ruth bears a son (by Boaz) to Mahlon she may bear a son for Boaz himself. The two instances of ותקראנה in v. 17 (when, in fact, in neither case could the neighbors have named the child) point to a clear dislocation in the text, which we see as pointing to one conclusion: We do not know the first-born's name; it is enough that Ruth preserved the line of Naomi, Elimelech and Mahlon. Her reward (not to overlook that of Boaz) was to mother a second line, through a second son named Obed, which eventuated in the birth of David the Bethlehemite, the most glorious king of united Israel.

34 Against the relevance of the concern for posterity to an immortality/afterlife conception it might be argued that such a concern for posterity appears in societies and cultures (such as our own, for example) where the function here assigned to the biblical concern is nonexistent. Our reply is that the sentiments of love and concern for one's own descendants as an emotional affective phenomenon are relevant for children, grand-children and great-grandchildren at the most. Even here in addition to such forces as ego-identification and ego-projection, notions of biological immortality are in operation. As distance from descendants grows, the demand of the human heart for the continuation of its line takes on the form of concern for the preservation/immortality of the species analogous to what we argue for Jeremiah, cf. below, § 16b.

35 See below, § 26.

The concern of biblical characters to leave descendants behind is commonly understood only as a peculiar, sentimental desire on the part of biblical man (as on the part of many moderns) to be held in remembrance. Against this understanding are the following considerations: Israelites did not name their children after ancestors and they had no surnames; biblical genealogies show that the recurrence of a name in a family list is a rare exception; except for eponymous ancestors who gave their name to an 'am, a tribe or a clan, a patronymic goes back normally one generation, at the most three or four; even when only one of two sons is characterized as the one through whom a father's "name is to be called," neither actually bears the father's name and both are known as the sons of that father (e.g., Ishmael and Isaac, sons of Abraham; also Abraham's seven sons listed in Gen. 25:1-3); finally, with increase of the inclusion of genealogical lists in literature becoming canonized, the average Israelite could hardly fail to note how many names were lost and forgotten.

9. There are many instances of expressions for the continuation of the line (and the implicit hope we see in them for a felicitous afterlife). Even more frequent are the instances of the negation of the hope of an afterlife for wrongdoers and enemies through extirpation. In these instances, the nouns for progeny/posterity are **פר, אחרית, בית, זרע, זכר, שם**³⁶

36 For the image of a person as a tree and his progeny as its fruit, cf. e.g., Isa. 56:2-7 (discussed below, § 9d), Ps. 1:3 and particularly Jer. 11:19, where the childless Jeremiah uses the metaphor: "Let us destroy the tree and its fruit" (**עץ בלחמו**) for the design of his murderous enemies against him; that to kill a childless person is also extirpation is made explicit immediately, "and cut him off from the land of the living (**מארץ החיים**) so that his name continues no longer (**לא יזכר עוד**)."³⁶ In connection with **ארץ החיים**, Vawter (op. cit., n. 23) takes issue with Dahood's identifying this term "as = paradise," in Ps. 27:13, 116:9, 142:6, whereas "most commentators understand [it] to mean this earth in the deuteronomic sense." Vawter's appeal to what "most commentators understand" seems an inadequate rebuttal; for it is Scriptural evidence that clearly refutes Dahood's interpretation. Thus (in addition to Jer. 11:19) the land of the living is the place in (a) Isa. 38:11, where YHWH is to be seen no more, parallel to the place of "the world's inhabitants" and follows assignment to "the gates of Sheol;" (b) Isa. 53:8, from which YHWH's servant is cut off, immediately explicated in terms of consignment to earth and the grave; (c) Ezek. 26:20, contrasted with **בזר** = Sheol; (d) Ezek. 32:23-26, where in their lifetime the Assyrians, now slain and buried, had spread terror; (e) Job 28:13, where Wisdom is not found, in series with the deep and the sea; (f) Ps. 52:7, from which God will uproot the wicked; (g) Ps. 116:9, where the psalmist continues on his way (**אתהלך** the durative **hithpa'el**) after the statement (v. 8), "You delivered me from death;" (h) Ps. 142:6, where God is the psalmist's portion, his refuge whom he asks to deliver him from the enemies who are still trying to kill him. No, land of the living is not Dahood's paradise!

the verbs are כרת³⁷ (*qal, niph'al, hiph'il*), מחה (*qal, niph'al*), שמד (*hiph'il*), אבד (*qal, pi'el, hiph'il*), קרא and זכר (both in *niph'al*). Limited space permits attention here to only a few:³⁸

a. In I Sam. 24:22, Saul, conceding the throne to David, tries to forefend against David's eliminating Saul's offspring, asks David to swear "that you will not cut off my issue (זרעי) after my death nor destroy my line (שמי) from my clan/ancestral family."

b. In the oracle (Isa. 14:4–23) against the King of Babylon (actually, as we now know, against Sargon of Assyria)³⁹ the prophet pictures that worthy's descent to Sheol, gloats over the tyrant's not having received proper burial: "All the nations' kings/ all of them lie in honor,/ each in his own tomb (ביתו)/ but you are exposed without sepulture... sepulture you will not share with them... the evil-doing line will continue no longer (לא יקרא לעולם זרע מרעים). / Prepare the slaughterblock for his sons/ for their fathers' crimes/ that they not rise to possess the earth/ and fill earth's surface with ruins (reading עיים) [vv. 18–21]."⁴⁰

37 It is our belief that the expression הנפש ההיא מעמיה "that person shall be cut off from his kin" which appears so frequently in the Pentateuch (understood by the rabbis as death [sudden or premature] at the hands of Heaven) is in some way the antithesis of נאסף אל עמיו "be gathered to one's kin," (e.g., Gen. 25:8, 17; 35:29; 49:29, 33; Num. 27:13; 31:2) and of "sleep with one's fathers" (e.g., Gen. 47:30, Deut. 31:16, II Sam. 7:12). Since burial is frequently mentioned in addition to these last expressions, the antithetical "to be cut off from one's kin" would not refer to privation of burial, but might well suggest the coming to an end of his line in some later generation, or a punishment by other than this means in the afterlife. Belief, however, is not evidence and we rest no part of our case on this expression.

38 In addition to texts discussed: for כרת with שם, Josh. 7:9; Ruth 4:10; Isa. 48:19, where antithetical "your seed shall be like sand" shows that as extirpation is the worst of fates, numerous posterity is the best of rewards; with זכר replacing שם, Ps. 34:17; with אחרית and תקוה, Prov. 23:18 and 24:14; אבד with שם, Deut. 7:24, 12:3; Ps. 41:6; with זכר, Isa. 26:14; with both זרע and פרי, Ps. 21:11; מחה with שם, Deut. 9:14, 29:19; I Kings 14:27; Ps. 9:6. In the case of the appearance of מחה with זכר in regard to Amalek in Exod. 17:14 and Deut. 25:18, first as a promise by God and then as a charge upon Israel, this direst of actions may be explained by the treachery of an attack by kinsmen (cf. Gen. 36:12) or by the nature of the attack, against the weak (aged, women, children); for the force of ולא ירא אלהים "he showed no fear of God" see my monograph, JBL XIII, 165–169. Cf. also S. M. Paul on Ps. 72:5 in JNES 31, 4 (1972), 354–355.

As for אחרית in the sense of "posterity," in addition to the instances recognized by BDB (Jer. 29:11, 34:17, Ps. 32:37–38, Prov. 23:18, 24:14), there can be no question about Num. 23:10, 24:20, Dan. 11:4, while Ps. 73:17 remains debatable.

39 Cf. n. 9 above, with special reference to extrabiblical parallels for privation of burial and extirpation.

40 Isaiah's special hatred for Assyria as conqueror must be seen in the light of the policy initiated by it of exiling peoples from their native soil, capping slaughter with what amounted, as we can now appreciate, to extirpation.

c. Ps. 109:13–15 is a curse reminiscent of the preceding passage: “Let his posterity be cut off (יהי אחריתו להכרית) / in a later generation may their line be wiped out (ימח שם) / ... Before YHWH be they ever arraigned/so that He cuts off their line from earth (ויכרת מארץ זכרם).”

d. The pericope, Isa. 56:2–7, could hardly be more tantalizing. A non-Israelite follower of YHWH is assured he need not worry that YHWH might separate him out from his ‘am. Parallel to this case is that of the righteous eunuch. He is told not to lament that he is a dried up tree. Despite his incapacity to sire a son, YHWH will grant him a ⁴¹יד ושם within His courts, an eternal “name” that will not be cut off. Is this the first expression of dissatisfaction with the posterity-immortality equation, a cautious hint that YHWH may have other ways of providing for his faithful in the afterlife?

e. Psalm 37 is, in its entirety, an assurance that while the wicked may prosper for a while he will in the long run suffer the ultimate in retribution; while the righteous may suffer for a while he will in the long run enjoy the ultimate in felicity. In v. 9, the evildoers are cut off, but those who wait for YHWH shall possess the *land*. This as-

41 The denotation of יד ושם (which has come down to modern Hebrew as a “memorial monument”) eludes us. We should not be misled by this notice nor the one in II Sam. 18:18 as an indication of immortality as mere remembrance. In the latter notice the pillar erected by Absalom, its purpose glossed as substitute for the son Absalom did not have to keep his name alive/in remembrance, (this despite the notice of his three sons in II Sam. 14:27) is termed both יד and מצבה. The appearance of יד as stele (symbolizing victory, conquest, ownership by right of conquest?) is clear in I Sam. 15:12 and should be so (despite the translations) in II Sam. 8:13. In the verses following the latter, the גציבים set up by David probably also represent stelae rather than “garrisons” (cf. Zakir inscription where *šm nšb* = set up a stele). Inasmuch as יד and מצבה are synonymous, a memorial monument should no more be taken as a substitute for the notion of personal immortality than were (or are today) tombstones and gravemarkers. The latter appears in Gen. 35:20. Except for Lev. 26:1 I am not aware of any absolute prohibition of מצבות; other appearances in negative contexts may refer to pillars set up to other deities (e.g., Deut. 16:22 “of the kind that YHWH rejects”). Isa. 19:19 refers to both מצבה and מזבח in an approbatory context, the latter “at its boundary.” The function of מצבה as boundary-stone is clear in Gen. 31:45 ff.

In connection with the latter can the *kudurru* boundary-stone in its appearance = *aplu* “heir, firstborn” (cf. *Nabu-kudurru-uššur*, “Nabu, protect the heir”) be other than a witness to the prevailing connection of progeny with land? ... Akkadian onomastics featuring a deity “giving a name” in the sense of granting posterity, parallel to our rendering of קרא שם in Ruth 4 (cf. above, § 7e) is the use of *šumu* (name) as object of the verb *zakāru* (= Heb. זכר, קרא, הזכיר, e.g., *Sin-šum-izkur*. Other terms in such names standing for progeny are *zēru* (Heb. זרע, e.g., *Aššur-zēr-iddin, zikru* (Heb. זכר, e.g., *Zikir-Šamaš, Zikir-ilišu*; Akkadian verbs for “granting” in addition to *nadānu* and *zakāru* are *kānu* (*Šamaš-šum-ukin*), *banū* (*Laraq-zēr-ibni*), *šapāku* (*Adad-šāpik-zēri*).

surance to the righteous is repeated in vv. 11, 18 (where נחלה "estate" replaces ארץ) and 29. In vv. 22 and 34 the assurance is contrasted with the promise that the wicked will be cut off. In vv. 28–29 the seed of the wicked is to be cut off while the righteous are to maintain residence forever on the land they possess. The culmination appears in v. 37 **לֹא יִשָּׁלֵם לְאִישׁ שְׁלוֹם** which is traditionally mistranslated. The parallelism in v. 38, "the posterity (אחרית) of the wicked is cut off," guarantees that the אחרית of the man of integrity (איש שלום) is his posterity who assure his afterlife.

10. Let us digress briefly to consider how our understanding of the patriarchal narratives is deepened by the awareness that for the biblical protagonists their own afterlife depended upon their children. Although these protagonists exist as prototypes whose careers adumbrate the future of their descendants, the stories about them must make sense in terms of their own hopes and fears as individuals of flesh and blood. Thus the promise to Abraham of numberless progeny in the far future served also to allay his fears concerning his childlessness and the jeopardy to his afterlife. Not an eye to distant future history, but a personal proximate concern brought the daughters of Lot to commit incest with their father. Their own words state their motive, "that we may preserve progeny of our father."⁴² In Genesis 22, the test of Abraham's faith is the ultimate test, for in being asked to sacrifice his son he was asked to hazard his immortality.⁴³ In Gen. 42:37, when Reuben makes the extreme offer that Jacob may kill his two children if he does not bring back Benjamin, is it not his afterlife that he is imperiling? In Gen. 17:18 Abraham's response to the promise of a son by Sarah is to express concern for the son he already has. In Gen. 21:12, when God

42 Gen. 19:30–34. At first glance it seems that their primary concern is to continue their father's line. On the Coulanges model, they, as unmarried daughters, would share their father's condition in the afterlife if his line were continued by sons of his. In the absence of sons to him, they would share his fate in his line coming to an end unless they were to marry and have sons of their own. The statement of the elder daughter who makes the proposal to preserve the line in an incestuous manner (v. 31) includes the words, "And there is no man in this area to have normal relations with us." This, in the light of our suggestion at the beginning of §21, points to their concern for their own afterlife as primary and for that of their father as secondary.

43 We are aware that our formulation here anticipates our conclusion; that our argument for biblical immortality/afterlife is not at this point sufficiently established to warrant the luxury of a rhetorical question, i.e., the confident assurance which such a question always carries. We hope to present soon an interpretation of the Test of Abraham based on the meagreness of the evidence for child-sacrifice in the ancient Near East in both biblical and extrabiblical literature.

seconds Sarah's determination to expel Hagar and her son from the family, the consolation He offers Abraham is not addressed to a father's affection for a son, but rather, "it is through Isaac alone that your line will continue (כי ביצחק יקרא לך זרע)" — that is, Abraham's afterlife is in no danger!

11. If, as we believe, the case for the dependency of the dead in their afterlife upon their posterity has been firmly grounded, we should search for evidence that this dependence, on the Coulanges model, required not just the passive existence of descendants but also specific acts or rites they need to perform. Such rites would raise the question whether Scripture's normative attitude to them was prescriptive, approbatory, tolerant, discouraging, hostile or proscriptive; whether, indeed, such rites, bordering dangerously on ancestor-worship, could have evoked other than hostility or prohibition from a normative tradition which was fiercely monotheistic, or monolatrous at the least?

Such an expectation of hostility or proscription is totally unfulfilled in the literature. On the contrary, the term *'elōhīm* as applied to the ghost of Samuel in I Sam. 28:13 and to the ancestral spirits in Isa. 8:19, 21, exhibits no sense of discomfort in using for the dead the usual term for divinity. Further, Exod. 23:32–33, barring any accommodation with the inhabitants of the land, equates a covenant with them with a covenant with their gods. This same double prohibition in Exod. 34:11–16 is extended to their sacrificial feasts, an invitation to which is intrinsically connected with or is seen as leading to *intermarriage*. In Num. 25:1 ff., the "whorish" relations of Israel with Midianite women involves accepting invitations to their (ancestral?) sacrifices to their gods and doing obeisance to them. Deut. 7:1–4 repeats the warning of Exod. 34:11–16. The Coulanges model could hardly be more transparent: to enter into an alien family is *ipso facto* to enter into its worship. Finally, the witness of Ps. 106:28, specifying that the connection with the Midianite *Ba'al Pe'or* included eating sacrifices to the dead (זבחי מתים) must remove any last doubt about the relevance of the Coulanges model here.

The model is transparent and the rites are proscribed. But only in connection with foreign families and *their* ancestral cults. Would comparable rites *within the family of Israel* have been similarly proscribed? The fact that Scripture presents not a single prohibition, while constituting an argument from silence, is noteworthy nonetheless respecting a literature replete with ritual prohibitions of every sort from every period. The silence, however, is broken in Deut. 26:14, in regard to the sacred third year's tithe, the consumption of which is to be shared with Levite, alien, orphan and widow. The verse puts a threefold limitation on the

householder's own eating of it:⁴⁴ one, he may not eat of it in a state of mourning (באני); two, he may not eat it in a state of ritual impurity (בטמא); and, three, he may not dispose of any of it to the dead (ולא נתתי למת (ממנו למת)). Not only does this verse attest to the practice, as late as the time of Deuteronomy, of offerings made to the dead; it attests that normative biblical religion accorded them the sanction of toleration.⁴⁵

12a. Sanction does not, it goes without saying, equal prescription. And nowhere does Scripture explicitly prescribe rites on behalf of the dead. The rubrics for respect and disrespect shown to parents may, however, conceal more than they have hitherto revealed.

In a previous study,⁴⁶ our disproof of "curse" as a valid translation of the verb *qillel* led to a reexamination of the biblical passages in which parents appear as object of this verb. The conclusion there reached was that the behavior proscribed in Exod. 21:17 and Lev. 20:9 represents a "breach of filial duty, so flagrant as to merit a penalty equal to that prescribed for physical violence (offered to a parent)." Further, examination of passages in the Laws of Hammurapi parallel to the biblical passages showed a suggestive correspondence between the two "codes" in the matter of punishment for a son striking his parents and one who in an otherwise manner behaves in flagrant disrespect to them. The law in L H 192, the closest analogy to Exod. 21:17, treats of a son who repudiates his adoptive parents. We quote from our discussion (pp. 133–134):

"The purpose of adoption was almost certainly to provide an heir who would be responsible for the funerary rites for his adopted parents(s) . . . The difference between Babylonian society, where the family was basically an economic unit, and Israel, where the basic criterion of family was that of blood-kinship, would lead us not to expect identical, or even similar, circumstances . . . The Babylonian law ana-

44 The context, specifically לא בערתי ממנו בטמא, leaves no doubt that the eating of this particular tithe was permitted to the householder.

45 On the offering to the dead, G. E. Wright (*IB*, ad loc.) notes, "i.e., used any of the tithe as a funerary offering, placed in or at the tomb, according to ancient burial custom." I am at a total loss to understand his next sentence: "This scarcely has reference to the offering of sacrifice to the spirits of the dead, as some have attempted to affirm, because such custom simply *did not exist in Israel* (italics ours)." How does he know this? And if he is right, why not flowers? . . . The prohibition of offering of the tithe to the dead constitutes a sanction of the offering to them of other foods, even as the prohibition of the eating of it by the householder in a state of impurity/mourning sanctions his eating of it in a state of purity/nonmourning. For a related phenomenon in regard to the eating of carrion, cf. *JBLS* 13, n. 57 (105–106).

46 H. C. Brichto, *The Problem of "Curse" in the Hebrew Bible*, Phila., SBL Monograph Series, 13 (1963), 137–138, 165–166.

logous to verse 17, refers to a son's repudiation of his parent(s). The biblical passage seems to bear a similar connotation. Although *qillel* here need not necessarily have the precise sense of 'repudiation,' there is every likelihood that it means just that or something very similar... Israelite society defined for itself the kind of behavior subsumed under *qillel 'ābīw w' 'immō*. That it is not spelled out for us here should occasion no more surprise than in the instances of the injunction of which this one is the antithesis: Exod. 20:12, כבד את אביך ואת אמך. Normally rendered, 'Honor your father and mother...', an improvement might be 'show respect to...'"

12b. Let us consider in its context Exod. 20:12, "Honor your father and mother," the fifth in the Ten Commandments. Verse 20:2 justifies the authority of the Author of the following norms. In vv. 3-6 the first two commandments, prohibiting idolatry and worship of other gods, are followed by an expansion declaring the Deity's exacting but limited vindictiveness in punishment and His punctilious and unlimited graciousness in reward. The third commandment in verse 7 is similarly provided with an expansion peculiar to it; the meaning of this expansion is discussed in our previously cited monograph, pp. 59-63. The fourth commandment (v. 8) in like manner is expanded in vv. 9-11; for the meaning of this expansion see M. Tsevat's "The Basic Meaning of the Biblical Sabbath," *ZAW* 84 (1972), pp. 447-459, and my review of Jay Williams' *Ten Words of Freedom* in *JBL* 91, 3 (1972), p. 394. Reverting to context, we need to note the expansion provided to this and only this commandment: "Show respect for your father and mother *that you may long endure on the land that YHWH your God is giving you.*"

Note the rendering here of יאריכון ימים as "long endure" (so JPS, *The Torah—A New Translation*). As against such translations as "your days may be long" (RSV) or "you may live long" (NEB), which suggest longevity for the individual, our rendering brings out the proper intent of the Hebrew.⁴⁷ Addressed to collective Israel (family, clan, tribe, people), it makes tenancy and tenure of the sacred soil contingent upon proper behavior toward one's progenitors.⁴⁸ Once again the association of

47 The expression יאריכון ימים may, of course, refer merely to longevity (e.g., Josh. 24:31, Judg. 2:7, I Kings 3:14, Prov. 4:10, 9:11, 28:16, Eccl. 8:13). It is no argument against our interpretation of this expression (together with "on the land which...") in the context of the Fifth Commandment that the same expression appears in Deuteronomy in the context of various other injunctions. In these other appearances it is (like the phrase ובערת את הרע מקרבך) an example of that book's tendency to make a cliché of an admonitory device; the Deuteronomists seized upon this expression and extended it to other contexts.

48 The instances of tenancy of the Promised Land being conditional upon continued obedience to God's norms are too numerous to cite. Another aspect of the sanctity of this land (perhaps itself an outgrowth of the original con-

parents, posterity and property! What, in the light of this, is the specific intention of the command whose broad connotation is “show respect for?” During their lifetime, parents in possession of land, the chief source of wealth, would know how to enforce respect. Our suggestion is that the primary reference here is to the respect to be shown for parents *after their death*. It is after their death that the ancestors, dependent in their afterlife upon their descendants, require protection from disloyalty or impiety. The intent may indeed have been specific, entailing funerary or memorial rites or else the disposition of the patrimonial estate.⁴⁹

I Kings 21 narrates the story of how the design of a king, Ahab, upon the property of one of his subjects, Naboth, led to the crimes of subornation, judicial murder and unjustifiable confiscation of property. The offer of Ahab to purchase the property of Naboth appears reasonable enough, for he proffers in exchange either a vineyard superior to the one for which he is bargaining, or else, if Naboth prefers, a more than generous cash price. Naboth's refusal asserts that it is not mere caprice or disinclination on his part, but rather duty to his ancestors which precludes the transaction: “YHWH חלילה לי מיהוה מתתי את נחלת אבתי לך

nection with ancestors and immortality) is the limitation of worship of (i.e., sacrifice to) YHWH to these sacred precincts. Often interpreted as a limitation of YHWH's powers to his own small area of sovereignty (an utter absurdity in view of the oldest narratives featuring YHWH as all-powerful in Mesopotamia, Egypt, etc.), it is this limitation of worship which lies behind such texts as I Sam. 26:19 and II Kings 5:15–18 as well as Josh. 22. (which, incidentally, taken in conjunction with Numbers 31 shows that possession and occupation of the sacred soil was regarded as privilege—not obligation).

49 We are not suggesting that respect for parents is limited to their posthumous existence; but rather that this latter aspect of filial respect was in the mind of the promulgator of the Fifth Commandment. This possibility suggested itself, as hitherto argued, as a result of the unique connection of this precept with land tenure and the parallels in LH. Whether the suggestion is convincing or not will depend on the further evidence presented in what follows through § 14.... Since we are using extrabiblical models as grounds for a hypothesis, the biblical evidence must be paramount and material from cognate cultures is largely relegated, however great its interest, to the footnotes. Relevant and more than suggestive for our immediate discussion are the instances in cuneiform documents where the duty of an adopted son is to honor (Akk. *palāhu* = Heb. *kabbed*) his adopted parents during their lifetime, with the addition in some adoption contracts that the son is to bury his adoptive father and perform the mourning rites. Cf., e.g., *JAOS* 47, p. 40 and *Harvard Semitics Series* XIX, 39.

Certainly significant for the association of respect for parent with offerings is Mal. 1:6 ff., “A son shows honor (יִכְבֵּד) to his father / and a vassal to his lord. / If I am a father / where is the כְּבוֹד (respect, tribute) due me? / If I am a lord / where is the homage (מִרְאָה) due me?” The complaint is immediately explicated in terms of the niggardly and defective sacrifices offered to YHWH.

Himself keep far from me (the thought even) to let you have the estate of my ancestors!"⁵⁰

13. We are now in a better position to understand Deut. 21:18–21: "If anyone should have a son, treasonably rebellious: he is disobedient to his father and to his mother; and though they discipline him he persists in his disobedience, his father and mother may take him by force, haling him before the elders of his town at the gate (of judgment) of his community. They shall declare, 'This son of our is treasonable and rebellious, he does not obey us, he gorges and guzzles.' Thereupon the men of his town shall stone him to death, thus purging the evil from your midst: all Israel will hear and stand in fear."

What is the nature of rebelliousness such as to override the natural affection of parent for child? What is the point of the son being declared "a glutton and a drunkard," as the translations render the Hebrew? If he were guilty of the same disobedience but abstemious in his intake, would the penalty be otherwise? And finally—in the light of our argument—how could parents destroy a son, however detestable, upon whom their afterlife depends?

Can the answer be other than that these questions point to the crux of the matter? The son's eating and drinking taken together with his disobedience is an expression for selfishness and ingratitude: he takes but does not give. If a son in his parents' lifetime shows himself a faithless ingrate, what is the prognosis for the future when in death they are dependent upon him? Will he relate in חסד (loyalty) to the patrimonial estate (גזלת אבותיו)? Can he be depended upon to make the offerings or perform those rites which every dutiful son pays to the line of which he is the next living link?

Despite its casuistic formulation, Deut. 21:18–21 is not "legal" but parenetic, as is so much in Deuteronomy. It is an extreme case, even a hypothetical one,⁵¹ whose purport is that a son who will deny his parents the death or memorial honors they require might as well be dead—or better, executed. The last four words, "All Israel will hear and stand in fear," clearly indicate the purpose of the entire passage: to

50 Although he does not connect this passage with the Fifth Commandment, Snaith (*IB* ad loc.) notes of the hereditary property, "It did not therefore belong to Naboth, but to his whole family, past and yet to be born." For a discussion of the entire Ahab-Naboth narrative, with particular reference to the charge brought against him (see also below, § 18) cf. our monograph, *op. cit.*, 159–164.

51 So interpreted by the rabbis. Cf. Bab. Talmud Sanh. 71a where a Baraita is quoted to the effect that "There has never been a בן סורר ומורה and never shall there be one."

inculcate the importance of what is due to parents in gratitude for their attentions in this world.

Before leaving this passage we would invite the reader's notice to how much of the "legislation" from Deut. 18:9–22:7 relates to the elements we have under discussion. Beginning with 18:9, "Now that you are about to enter the land which YHWH your God is giving you, do not learn to imitate the abhorrent practices of those nations," the text proceeds to illegitimate divination (18:11, resort to the dead for oracles); the moving of ancestral landmarks (19:14); deferment from military service until a marriage can be consummated (20:7); ritual in expiation for an unpunishable murder (21:1–9), which defiles the land; the female war-captive intended for an Israelite marriage who must be given a month to mourn her father and mother (21:13); primogeniture and inheritance (21:15–17); the case of the impious son discussed above (21:18–21); exposure of a malefactor's corpse, a practice which defiles the land (21:22, 23), to which we shall revert; and finally 22:6–7, forbidding the destruction of a *line of birds*, the chicks may be taken but the dam must be released (to hatch others), the symbolism made explicit by the rubric so pregnant with meaning: "That it may go well with you and you long endure (והארכת ימים)..."

14a. Support for our interpretation of the Fifth Commandment may be adduced from two passages in the Book of Proverbs, which will, in turn, suggest a further inquiry into (a) biblical language emblematic of immortality and (b) the concern for proper interment.

14b. Proverbs 20:20, "Whoever shows disrespect (מקלל) for his father and mother (the opposite of the Fifth Commandment), his lamp will be extinguished (נר ידעך) in utter darkness."

Light (אור) as a symbol of vitality, the life-force, is clearly to be discerned in the following passages: I Sam. 4:27, 29, "my eyes have brightened," "his eyes lit up"; Ps. 38:11, "The light of my eyes is gone" || "My vigor (כח) has left me"; Ps. 56:14, "the light of life (אור החיים)."⁵² Light as equivalent, indeed, to life itself is found in Ps. 36:10, "In Your light do we see light, / With You is the fountain of life." The term נר "lamp" appears as a synonym for light in Prov. 13:9 אור צדיקים ישמח ונר רשעים ידעך "The light of the righteous will blaze,"⁵³ the lamp of the wicked be extinguished." In Ps. 132:17, "There (in Jerusalem) have I arranged a lamp for my anointed (king)," the "lamp" almost certainly refers to an heir to the Davidic throne, carrying out

⁵² Pace Dahood who (ad. loc. and elsewhere) sees in אור a term for "field," this on the basis of a putative cognate with that meaning in Ugaritic.

⁵³ For שמח "blaze" = "be high/shine brightly," cf. M. Tsevat, *HUCA* XXIV (1952), p. 114 and J. Greenfield, *HUCA* XXX (1959), 147.

the promise to David in v. 11, "Of your body's issue will I set upon your throne."⁵⁴

Prov. 24:20 is in itself sufficient witness that "lamp" may stand not merely for life or a life but for an entire line of descendants: *כי לא תהיה / אחרית לרע נר רשעים ידעך* / "The wicked shall have no posterity, / the lamp of the evil shall be extinguished." Job. 21:17 *כמה נר רשעים ידעך* / *אלוה יצפן* is perhaps only suggestive, even when associated with v. 19 *לבוני אונו*; it becomes assured by the witness of Job 18:5-6, 14, here reproduced only in part: (5) "Also the light of the wicked shall be extinguished, / his fire's flame shall give no light. (6) The light in his tent shall be darkened, / and his lamp be put out to his misfortune (עליו) ... (14) From his tent shall be cut the one(s) upon whom he relies ... (15) Someone not his own will reside in his tent, / brimstone upon his habitation shall be scattered. (16) Beneath, his roots shall dry up, / above, his branches be withered. (17) His trace / name (זכרו) shall perish from earth / and he shall have no name / descendant (שם) on its surface."

In the light of all this evidence, there can be little question that the meaning of "his lamp will be extinguished in utter darkness" is that his line will come to an end. Reverting then to Prov. 20:20, it is clear that this verse is, as it were, the photographic negative of the Fifth Commandment as interpreted in this essay.

14c. Another "photographic negative" of the Fifth Commandment appears in Chapter 30 of Proverbs, here featuring privation of burial as the punishment for the son who violates the precept to show respect for father and mother. Verse 11 begins a list of four types (the word for "type" is *דור*; cf. also Ps. 24:6) of miscreants with "the kind of man who shows disrespect (*יקלל*) for his father and denies blessing

⁵⁴ We shall not adduce Job 33:28, 30 (the text of which is contestable), nor v. 19 of Psalm 49 which in its entirety merits a fresh examination in the light of this study. Perhaps relevant is that King David is forbidden to risk his life in battle lest he "extinguish the lamp (*נר*) of Israel" (II Sam. 21:17).

The narrative in II Sam. 14:1-17 (discussed by us in *HUCA* XXXIX [1968], p. 41, n. 8) features the wise woman of Tekoah as referring to her (and her dead husband's) only remaining son (v. 6) as the heir (*יורש*), "my last burning ember" (*גחלת*) which will be extinguished if the husband's relatives are left free to apply the traditional punishment, execution of the fratricide; if they succeed they will thereby leave no *שם ושארית* (lit, name and remnant =) "remaining posterity on the surface of the earth" (*ארץ אדמה*). One can readily see that the vengeance-seeking kin have everything to gain (being the heirs next in line) and nothing to lose. Vengeance is justice, so law (or mores) is on their side. Therein lies the meaning of (the dislocated) v. 9. The woman's response to the king who in granting her request abrogates one moral requirement in the name of a higher value: If this action incurs any retribution, may she bear it while the king, his throne (*כסא* = dynasty) be exonerated.

(לֹא יִרְךָ) to his mother.” The retribution lying in store for such a son (corresponding to the extinguishing of his “lamp” in Prov. 20:20) is spelled out in verse 17: “The eye⁵⁵ that mocks his father and scorns homage to his mother—the ravens of the wadi will pick it out and the vulture brood will devour it.” Poetic justice indeed! The son whose disrespect for parents would deny them repose in the afterlife will suffer privation of burial, which will thus deny to him what he would deny to them.

15. We are back at our starting point, namely the critical importance to the dead in their afterlife of their interment. While there would be little point, as we suggested earlier, to examine every biblical allusion to burial, it is instructive to examine the instances where privation of burial (or exhumation) occurs in fact or threat.

Goliath’s taunt to David in I Sam. 17:44 and David’s return of the compliment in verse 46 may be brushed aside as a natural expression in the circumstances: “I’ll make carrion of you.” In Isa. 34:2–3, however, the slaughter is followed by exposure of the corpses, suggesting that there is something worse than death, privation of burial. Isa. 66:24 features exposure of corpses in a rather obscure context; yet it is clear that the exposure is a punishment for treason to God. Respecting Isa. 14:4–23, discussed above (§ 14), the significance of 14:19–20, the denial to “the King of Babylon” of interment in his family sepulchre, is to be reemphasized for the immediate focus of our investigation. In Isa. 22:15–19, in the oracle against Shebna, the mayor of the palace, the prophet expresses astonishment at the parvenu’s presumption in preparing a sepulchre for himself in a place where he does not belong. His fate is to be different from what he prepared: (vv. 17–18) “YHWH will shake you out like a garment (rd. בגד for גבר), wrap you up, roll you up as a ball [and cast you] to a wide-stretching land; there you shall die, and there be your body’s couch (read מרכבות for משכבת), you disgrace of your master’s house!”

The exposure of the corpse of anyone executed for crimes regarded

55 The appositeness of the eye as symbol of immortality is unquestionably due to its being the organ which admits light. The eye figures as such also in I Sam. 2:33. The context is an oracle addressed to Eli promising the punishment of his and his paternal line by the lopping off (גדע) of their issue. Not extirpation is intended, however, but premature death of descendants. No branch of his line (איש) will be cut off from service at YHWH’s altar for that would be to impose upon Eli the grief (לאדיב את נפשו) of destroying/consuming his eyes (ולכלות את עיניו), *Pace* translations! The prophecy, to take place long after Eli’s demise, yields incontestably a picture of Eli capable of suffering in the afterlife by reason of his descendants being “cut off.”

as particularly dastardly is expressed by three verbs in Scripture: תלה and תקע, both in the *qal* and יקע in the *hiph'il*.⁵⁶

Rather than reproduce discussions available elsewhere, we must here content ourselves with a number of observations of immediate relevance to our investigation. Deut. 21:22–23 permits the exposure of an executed criminal's corpse, but limits that exposure to the daylight hours of the day upon which the execution takes place. This text, as also Deut. 24:16 which prohibits execution of fathers for the crimes of their children and vice versa, can be best understood in the light of biblical Israel's concept of immortality.⁵⁷ Exposure of the corpse represents far more than disrespect for the physical remains; it is an extension of the punishment into the afterlife. So too the execution of father and children together constitutes extirpation, the destruction of a line with its attendant disastrous consequences in the afterlife. In like manner, a curse which calls for extirpation (which on the surface seems to express malevolence towards generations yet unborn) evokes the worst fate that could possibly befall a human being.

Particularly instructive respecting the very practice forbidden in Deut.

56 The instances are Gen. 40:19, Josh. 8:29, 10:26, 27, Num. 25:4, Deut. 21:22–23, II Sam. 4:12, 21:6, 9, 13, Esther 2:23, 5:14, 7:9, 10; 9:13, 14. For a fuller discussion the reader is referred to *ID*, articles *Hanging*, *Impalement*, and to our monograph, op. cit. 191–195.

57 It might be argued that this interpretation of this verse would be valid if the prohibition were only against the children being executed for their father's crime; that executing a father for his children's crime would only be to hasten his misfortune in the afterlife which has already been determined by the end of his line. What we have here, however, is a kind of merism. As long as the prohibition of dooming a criminal in his afterlife is being formulated, the prohibition is extended to execution of a criminal's father. The biblical fondness for expressing a totality through opposites is such that it is indulged in even when one of the opposing terms of the merism is, taken by itself, absurd in the context. For examples of this, cf. Lev. 17:3, "within or without the camp"—the Tent of Meeting where all slaughterings must take place could only be within or without, not both. Also, Isa. 65:20, "infant or old man who does not live out his days."

That children suffer, inevitably, for their fathers' sins is an existential fact that was not noted for the first time in the generations of Jeremiah or Ezekiel (cf. Jer. 31:28–29, Ezekiel 18). The ineluctable tension arising out of this fact and out of the biblical concept of the dependency of parents on their posterity in future ages is anticipated and receives at least partial resolution in Exod. 20:5–6, the Decalogue's expansion of the injunction against worshipping other gods: Although YHWH is an exacting Deity in the matter of punishment (which extends to three or four generations), He is endlessly gracious when it comes to reward (extending it to thousands of generations). Cf. also Ps. 103:17–18. The Middle Hebrew expression for ancestral merit standing their descendants in good stead, זכות אבות assumes fuller significance in the light of the biblical concept of the ancestors' own dependence in their afterlife on the fate of their descendants.

21:22–23 is the account in II Sam. 21. The Gibeonites, seeking satisfaction for the crime committed against them by Saul (attempted extirpation) refuse to accept in composition either money or any random Israelite. There is no suggestion of hatred on their part for Saul's descendants as individuals. The point is that the criminal must be punished. Saul was beyond their reach in life, but he is not beyond their reach in death; he may yet be punished in the persons of his descendants. The Gibeonite demand for seven of Saul's descendants probably reflects what they got rather than the extirpation they would have asked for. David was bound by oath not to extirpate the line of Saul and Jonathan; he spared the latter's son, Mephibosheth. The exposure of the corpses thus reinforced the Gibeonite goal: to deny Saul rest in his afterlife. The true measure of Saul's disastrous failure would appear to any Israelite in the fact that he not only fell in battle against the Philistines; but that his corpse and that of his son were exposed after death, that his line came close to extinction, that even his grandchildren in death were exposed. The theme (in v. 10) of Rizpah bath Aiah's pious guarding of the bodies from vultures and jackals, reminiscent of Antigone's guarding of the exposed cadavers of her brothers, does not imply cultural influence in one direction or the other. The roots of the biblical concept of the afterlife testify to an antiquity among the Semites of this concept as old as Coulanges discovered for that of the Indo-Europeans.⁵⁸

16a. Jeremiah stands out among the prophets in his penchant for invoking the punishment of exposure of the dead's physical remains in the form of initial privation of burial or of malicious disinterment. Jer. 7:33 states a theme common in Scripture, the threat of a slaughter so great that for want of survivors corpses will remain unburied and there will be none to drive the carrion-eaters from their grisly feast. The significance of privation of burial for consequence in the afterlife is reinforced by the next verse, which presents another threat to the afterlife, i.e., the chain of propagation will be broken: "I will banish from the cities of Judah and the streets of Jerusalem the sounds of cheer and joy, the call of bridegroom and bride..." The prophet continues in 8:1–2 with the punishment for those long since dead who in their lifetime did homage to forbidden gods (including resorting to them for

58 The burning of the bodies of Saul and his sons by the grateful inhabitants of Jabesh-Gilead was not a "sign of vengeance" (*ID*, *Burial*) nor "last honors" in borrowing of an Indo-European usage (C. H. Gordon. "Indo-European and Hebrew Epic," *Eretz-Israel* 5 [1958], p. 11*), but to guarantee that the bodies would not be exposed again (I Sam 31:11–13). David, pictured as having had no choice in the execution of Saul's progeny and the exposure of their corpses, makes amends by burying their bones together with those of Saul and Jonathan in their ancestral sepulchre (II Sam. 21:12–14).

oracles: v. 2, **דרשום**). Kings, courtiers, priests, prophets and citizens of Jerusalem will suffer the disinterment of their bones, which will be spread like dung on the surface of the earth. Those surviving in the lands of exile to which YHWH has thrust them will then conclude that immediate death is preferable to continued existence (v. 3). Is this testimony enough to a belief, at least on the part of Jeremiah's contemporaries, that worse than death is the disturbance of a person's physical remains? The theme is repeated in 9:22; 25:33, a prose passage infixed in a poem; and in 16:3-9. In this latter oracle, the fate awaiting the sons and daughters born "in this place" and concerning the mothers who bore and the fathers who sired them "in this land" is given as the reason why YHWH advises the prophet to take no wife and produce no children "in this place." They shall die grievously, be neither lamented (ritually?) nor buried but, spread like dung on the surface, be meat for the carrion-eaters. Interesting and reserved for further comment is the mention in vv. 6-7 of various activities normally accompanying the death rites (**ספד**) for the dead: gashing one's flesh, making a bald spot;⁵⁹ consolatory breaking of bread (with LXX) in mourning, offering a draught from the cup of consolation to him who has lost father or mother. This pericope too ends with the refrain on the cessation of marriage with its attendant joys.

16b. Additional elements of the Coulanges model figure prominently in Jeremiah. Among the many notable instances of affinity between his Book and Deuteronomy (which has provided significant evidence for the same model) are the following: the emphasis on the importance of the ancestral land of Israel, received in gift from YHWH and subject to revocation (temporary or permanent), the revocation expressed in exile; the theme of the family-line in danger of coming to an end and of the ancestors' stake in its continuation.

The image in Jer. 31:15 of the dead Rachel weeping inconsolably for

59 Other instances of "baldness" in the explicit context of mourning rites are Isa. 15:2, 22:12, Jer. 47:5, Ezek. 7:18, 27:31, Amos 8:10 and Mic. 1:16, the last especially interesting for the context being not death but exile! The practice of cutting a bald spot along with others such as shaving the beard (featured also in some of the preceding citations), making cuttings and "taoos" into the flesh are forbidden to priests in Lev. 21:5 because of their status of sanctity and to all Israel (to whom Deuteronomy, like Exodus, extends the status of holiness) in Deut. 14:1. Both passages are in connection with death rites, the latter specifically defining the rites as "for the dead (**למת**).⁶⁰ In a paper in preparation we deal with these practices in the context of apotropaic rituals. For the present we must content ourselves with the presence in Scripture of rites which in all likelihood derive from the belief in the powers (possibly malevolent) of the spirits of the dead—another element in the Coulanges model.

her children going into exile is almost unrivaled for sheer pathos. "So speaks YHWH: A sound on a height⁶⁰ is heard, / lamentation, bitter sobbing —/ Rachel weeping o'er her children, / Inconsolable for her children —/ They are gone." Poetic imagery? To be sure! Comparable to what may have flowed from the imagination of a modern poet who owns to no belief in immortality? Again, yes. But consider the response of YHWH to Rachel in vv. 16–17: "Hold back your sobbing cry, / from your eyes the tears. / Your deeds shall have reward /— says YHWH —/ from enemy's land they shall return. / There is hope for your descendant-line (לְאֶחָרֵי־תֶךְ) / — says YHWH —/ your sons shall return to borders their own." The association of land and posterity, exile and return, in the context of the many apposite biblical passages we have examined points to one assumption: Rachel, though long dead, lives in her person; and sees her present reward for her lifetime's work in the preservation on the ancestral land of her descendants, from whose fate her own cannot be sundered.

Love of native soil which is still attested in modern man (cf. such expressions as motherland, fatherland, holy mother Russia, land where my fathers died) naturally disposes us to read nothing more than a like sentiment in the attachment of the ancients to their soil. To do so in regard to Jer. 32:6–44 is to completely miss the point of that narrative: Jeremiah's purchase of a kinsman's land on the eve of Babylon's final conquest of Jerusalem. The impact of that narrative upon Jeremiah's contemporaries cannot be even partially measured except in terms of the conceptual complex of land-kinship-immortality-religion.

We grasp this more vividly by turning first to a comparable situation earlier in Jerusalem's history. When (II Kings 18:26–33 / Isa. 36:11–18) the Rab-Shakeh, the king of Assyria's deputy, calls upon the populace of Jerusalem to surrender to his master, he makes it clear that he is offering no terms of clemency to induce the surrender. The die is cast, the city's fall to his master is inevitable; and when it falls those surviving the slaughter will be carried off into exile, a fate they might as well accept now without suffering the bloodshed. Abandon your defenses, leave the wall fortifications, make peace with me, yielding to me in surrender, return to your homes and estates outside the walls, "eat of your own vine and fig-tree and drink each of you from his own well until—I come to fetch you to a land much like your own, a land (producing) choicest grain and wine, a land of food abundant (לֶחֶם) and vineyards, a land of olive trees, richest oil (יִצְהָר) and nectar . . ." What makes the offer of a rich land in exile in exchange for their own so sar-

60 For this rendering of בְּרִמָּה, as over against the traditional "in Ramah," cf. M. Tsevat, "Studies in the Book of Samuel (Chapter II)," *HUCA* XXXIII (1962), 107–109.

donic is the same conceptual framework which prompted—compelled—Naboth to reject Ahab's offer. To be torn from one's native land is not merely to be uprooted from a particularly fertile soil, it is a sentence of death for the living and their dead predecessors: the end of the line—past, present and future, the end of the *'am*, the end of its religion.

So it is in the case of Jeremiah. When he foretells certain defeat and exile, the gloom of his hearers can only be compared to the terror which clutches our hearts when we consider the possibility of universal nuclear destruction. What we confront is not our own doom nor that of our children nor that of millions of others, but sheer extinction of the race—exposing the meaninglessness of existence, the absurdity of all hopes and aspirations.

But Jeremiah proceeds almost to an antinomy in the promise that the punishment is temporary; that the exile will be reversed with a return to the ancestral soil and cult, for the preservation of the line and the race is guaranteed by YHWH. His own faith in this promise is expressed in Jeremiah's purchase of his kinsman's patrimonial plot (Ch. 32). How great that faith must have been is underlined by 32:14–15. The sentence of doom is at hand; the promise of restoration is for an all-too-distant future. The deeds of purchase are to be stored in a clay vessel against that time when "houses, fields and vineyards will again be bought (and sold) in this land." How difficult that faith was to maintain is expressed in the prayer Jeremiah offers *after* he has purchased the plot (32:16–25), the prayer which culminates on a note of incredulity: "The siege-mounds have appeared against the city for its conquest... and yet You, my lord YHWH, charged me. 'Buy the field, (pay) cash, in the presence of witnesses—the city, however, has been given over [by Me] to the Chaldeans!'"

17. The symmetry between the crime of disrespect for parents (i.e., neglect of their needs after death) and the punishment visited, in fulfillment of poetic justice upon such trespasses (which we have discerned above [§§ 12–14] in Exod. 20:12, Prov. 20:20, 30:11, 17), reappears in penalties and rewards associated respectively with people who have perpetrated a crime against an entire line (§§ 18, 19) or have performed a service in the prevention of such an eventuality (§ 20).

18. Commentators on the royal crime against Naboth are exercised by the question: How, after Naboth's execution, did his property come into Ahab's possession? Even if Naboth had been childless, there surely would have been heirs deriving from Naboth's brothers, or from his paternal uncles or even from his great-grandfather's offspring.⁶¹ One

61 Cf. Num. 27:6–11 (discussed in n. 22) for the line of heirs.

speculative suggestion is that Ahab may himself have been a kinsman of Naboth's; another, that Naboth's children were executed along with him in the procedure forbidden in Deut. 24:16 (discussed above in § 15). Yet whatever might have been the manner in which the expropriation was concluded, it seems clear that Naboth's line was brought to an abrupt end. The punishment to fit this crime then would not have been satisfied merely by the deaths of Ahab (who permitted it) and Jezebel (who committed it) but only by its extension to their afterlife as well. The double sin against Naboth and his ancestral line—extirpation and appropriation of its ancestral property—would indeed be appropriately punished, in the end of Ahab's own line, in privation of burial, not only for him and for her, but for their children as well. In the words of Elijah: (21:19 ff.) "Thus says YHWH, 'Have you murdered and also taken possession? . . . In retribution for⁶² the dogs having lapped the blood of Naboth [from which one may infer that Naboth was "exposed" after execution] the dogs will lap yours, even yours . . . I shall bring upon you calamity which will continue to consume (victims) after you are dead (וּבְעֶרְתִּי אַחֲרֶיךָ), to wit: I shall cut off from Ahab('s line) every male (מִשְׁתֵּין בְּקִיר = one who urinates in a standing position), yea every last one⁶³ in Israel, making your line (בֵּית) (to end) like the lines of Jeroboam ben Nebat and Baashah ben Ahijah . . . ' The Lord also spoke concerning Jezebel, 'The dogs will devour Jezebel in the Jezreel plot. The son of Ahab('s seed) who dies in a town will the dogs devour, the one that dies in the open will the fowl of heaven devour.'"⁶⁴

19. A similar symmetry in crime and punishment has not been discerned by scholars, due to the failure to appreciate the concern for offspring in death as in life, in the artfully constructed narrative, II Sam. 9:1–20:22, in the penalty paid by David for the double crime of adultery

62 Against the translations ("in the place where"). Whereas both במקום אשר and במקום אשר occur in the sense of "place where," the latter occurrence here points to the possible function of במקום as a synonym for תחת. Although not elsewhere attested with this force (but cf. Hosea 2:1), the analysis in note 64 below is what suggested and supports our rendering.

63 A frequent merism, possibly with reference to sheep/goats who are confined to their cotes or permitted to graze at large.

64 This oracle is described as fulfilled in respect to Ahab's son Joram upon Jehu's specific command, with explicit reference to retribution for the crime against Naboth (II Kings 9:21–26); in respect to Jezebel in the same chapter, vv. 30–37. That is, both of these were exposed as carrion. Ahab himself, however, died of a wound sustained in battle, received burial in Samaria (I Kings 22:37 and confirmed in v. 40, וַיִּשְׁכַּב . . . עִם אֲבוֹתָיו). It is to be noted that the oracle against Ahab limits his fate after death to his blood being licked by the dogs, an oracle fulfilled (I Kings 22:38) by the pool of Samaria, but not in Naboth's field. Hence, confirmation of note 62, above.

and murder. The sentence which David is tricked into pronouncing upon himself by Nathan's adroit parable is first death, then—altogether out of keeping with that sentence—what appears to be a bathetic citation of the regulation known from Exod. 21:37, i.e., the payment fourfold for the theft of a sheep. The death sentence is extravagant for the offense in the parable, merely the theft of a ewe, but it is not extravagant for David's crime of adultery and murder. David's explanation for the death penalty he says is merited (rather than imposed: "anyone doing such a thing ought to die") is based on the rich man's insensitivity to the near-human place a pet can hold in its master's affections. In the account, though, the penalty of David's death is waived for his confession of wrongdoing and his acceptance of YHWH as the source of morality (חטאתי ליהוה).⁶⁵ A penalty, nevertheless, must be paid.

Three separate strands in II Sam. 12 appear to define the penalty. In v. 10, the sentence is violent death to continue in his family,⁶⁶ a sentence fulfilled (at least in part) in the slaying of Amnon by Absalom (13:28 f.) and of Absalom by Joab (18:14 f.). In vv. 11–12, mischief against David's person will be committed by a member of his own family and someone will, with public knowledge, make free with David's harem; this oracle is fulfilled in Absalom's revolt and his invasion before witnesses of his father's harem (16:21 f.). In v. 14, the punishment is the death of the son conceived in adultery; this is realized within a week or two (12:15–19). But what of the fourfold penalty decreed by David himself in 12:6? Even if we take this as an interpolation, we must assume that the interpolator must have had some denouement in mind. The self-decreed penalty, we suggest, is for the extent of the crime against Uriah, for in the taking of Bathsheba, the one ewe, Uriah was left childless; in poetic justice David is to be bereaved of four sons: Bathsheba's first son, Amnon, Absalom and Adonijah. The execution of Adonijah, occurring after David's death has, in this context, escaped general notice; even of scholars, who have been conditioned not to count as significant (for biblical man) what happens to a man's son(s) after his demise. But David exists in the afterlife and there he

65 On this point cf. my article, "On Faith and Revelation in the Bible," *HUCA* XXXIX (1968), 48–49.

66 This sentence is preceded by, "Uriah the Hethite you killed with the sword, and his wife you took as wife to yourself, yes, him you killed with an Ammonite sword," and it is followed by "for having shown contempt for me in taking the wife of Uriah the Hethite for your own wife." There is no redundancy here, rather another example of the supreme craft of the narrator. The offense against YHWH was not just adultery, then murder, but the compounding of these by the subsequent act of brazenness—marrying Bathsheba and benefiting by the crime of murder. As in the killing of Uriah, it was your hand, David, which wielded the Ammonite sword, so for the offense against Me, I shall wield against your sons the sword in the hands of others.

suffers this fourth blow. In passing we may note that David's mourning for Absalom, the son to whom he would not yield the throne is extravagantly (and hyperbolically, to be sure) expressed in the lament, "Would I had died in your stead, Absalom, my son, my son!" (19:2). We might be tempted to see in Joab's rebuke of David (19:6-8) his dismay at David's sentimentality, a sentimentality bordering on senility. But David's sense of having lost another assurance of his comfortable immortality might well give us some better sense of David's strange grief over the death of this rebellious son.⁶⁷

20. Another instance of symmetry, this time in deed and reward, is certainly present in Exod. 1:15-21. The midwives' staunch refusal to obey Pharaoh in the matter of practicing *male* infanticide resulted in both the Israelites waxing numerous and in God's beneficence to the midwives: "And because the midwives had shown fear of God he made them בָּתִּים." The last word is rendered variously: KJ, "houses"; RSV, "families"; JPS Torah, "households," with note: "Meaning of *batim* uncertain." Rylaarsdam's exegetical comment (*IB*, ad loc.) is praiseworthy for his success in discerning what JPS Torah missed, that *batim* alludes to motherhood. But the rest of his comment must be regarded as fatuous: "This is an editor's gloss that almost ruins a good story. It tries to answer the pedantic question, How did God reward the midwives? Obviously, thinks the glossator, with motherhood, the best thing any woman could wish for." *Pedantic?* Hardly! *Obviously?* Indeed! What reward could be more fitting than posterity for the women who preserved the posterity of Israel!⁶⁸

67 It is possible that even the rank and comfort enjoyed by one's children was regarded as somehow reflected in their progenitor's(/s') afterlife. Such an idea would give added force to God's promise to David of a continuing dynasty... As for the suggestion made earlier that the more children the more felicitous the afterlife, we might observe in our own psychology that a multimillionaire does not happily lose one million. Exod. 32:10-14, however, may be relevant to our question. The sin of the Golden Calf prompts YHWH to consider destroying the entire people save for Moses whom he will make into a great nation. Moses in his arguments against such a step invokes God's promise to the patriarchs to increase their progeny as the stars of heaven. But is not Moses himself their descendant? Unless we are to accept Freud's authority for Moses' Egyptian origin, we should have to conclude that, YHWH's promise having already been considerably fulfilled at this point in history, the reduction of their many branches to a single twig would be a great blow to the patriarchs. Cf. also Ps. 128:6, 127:3-4, Prov. 13:22, 17:6.

68 We would suggest as required reading for Bible critics, Samuel Sandmel's, "The Ancient Hebrew Mind and Ours," *Understanding the Sacred Text: Essays in Honor of Morton S. Enslin*, Judson Press (1972), 29-43, where he pleads for the presumption that even Scriptural editors, glossators and interpolators did not operate in a mindless manner.

21. Last in this context is a related inquiry. Whereas a wife has been seen as sharing the afterlife of her husband in the children they produced together, a barren woman whose husband had another wife (her *צרה*) who had produced sons might yet feel that her own status in the afterlife was not assured by her husband's success through another. Only so can be rendered intelligible the reactions of the matriarch Rachel and Hannah, mother of Samuel. Rachel receives every assurance from husband Jacob that she remains as first she was, his true love; in Gen. 29:33 Leah owns herself as second in Jacob's affections (*שניואה*). Rachel even succeeds apparently in monopolizing Jacob's matrimonial couch (30:15, 16). Yet Rachel is inconsolable until she has produced children of her own. Similarly, Hannah who is the favored wife (I Sam. 1:5, "... it was Hannah he preferred") is deaf to her husband's attempt to console her, "Am I not better to you than ten sons?" (v. 8).

The preceding exegesis of Exod. 1:15-21 and the Rachel-Hannah contexts should clear away any doubts as to the meaning of two other biblical texts. Gen. 16:2, contains Sarah's request that Abram cohabit with her maid, "Perhaps I may be built up through her" (*ואולי אבנה ממנה*).⁶⁹ Speiser renders the Hebrew as *shall reproduce* and in "Comment" offers the legal background provided by cuneiform sources, but not the religious background which we are stressing. His note suggests an obvious paronomasia between *בנה* and an implicit *בן*; he adduces support from the usage in Deut. 25:9 ("build his brother's house") but fails to cite Exod. 1:21, which would have bound his argument together in featuring the term *בית* in the specific context of a woman's concern with her line.

The other crux is the *מושיבי עקרת הבית* of Ps. 113:9. Such renderings as "maketh the barren woman to keep house" (AV), "gives the barren woman a home" (RSV), "maketh the barren woman to dwell in her house" (JPS), are all unsupported by the Hebrew and some (like AV) are good for a chuckle. The peripety in the previous two verses, the reversal of fortune God effects for the poor and needy, is simply extended to the childless woman in v. 9: "The woman who was barren of progeny he enthones secure as the joyful mother of sons"⁷⁰—further

69 The same expression appears in Rachel's parallel proposal to Jacob, Gen. 30:3, this time preceded by *ותלד על ברכי* "that she may give birth on my knees." Speiser's comment (op. cit. ad. loc): "To place a child on one's knees is to acknowledge it as one's own," supported by citation of a Hurro-Hittite tale. We would suggest a more immediate imagery: the birth-position of a mother was on the knees upon a birth-stool (Exod. 1:16, *אבנים*), hence Bilhah will be a surrogate producing a son for the "real" mother, Rachel. To be noted also is (in 30:1) Rachel's declaration, perhaps not hyperbolic, "Give me sons—or I am dead."

70 Cf. J. Blau. *Eretz-Israel* 3 (1954), 106-7 (Hebrew), for an extended

confirmation, perhaps, of our suggestion that the desire, even desperation, of a woman to have sons is as much the consequence of her concern for her own afterlife as for her husband's.

22. The foregoing now brings us to a consideration of Deut. 25:15–17: If a man has two wives one of whom he favors over the other,⁷¹ if both have borne sons but the younger son is of the favored mother, the father in disposing of his estate may not deprive the older son of his right to the בכורה "first son-ship" with its attendant double share, by granting it to the secondborn.

That this prohibition of violating primogeniture is designed to preclude what was at one time standard and socially sanctioned practice⁷² is clear from other biblical passages. That the intent of the passage focuses on the property aspects of primogeniture is equally clear. What is not clear from this passage alone is whether this property-interest entailed concomitant prerogatives of religious priority (on the Coulanges model). Respecting Jacob and Esau, if standard source-analysis is to be given any weight, the assignment by the critics of both Gen. 25:27–37 and 27:1–45 to J would virtually compel a conclusion that the single J author has reference to two separate aspects of primogenitural prerogative.⁷³

discussion of this passage. Closest to our rendering are those he cites by Saadiah Gaon and Baethgen, both of whom, however, make the בית primary (עקרת הבית = vom unfruchtbaren Hause) as a consequence of missing its force = the woman's progeny. Blau's own insistence on the need for a definite article for שמחה if these renderings are to be followed betrays a lack of appreciation for Hebrew poetic expression, as also when he rules out Baethgen's correct rendering (als Mutter der Kinder fröhlich) as factitious.

71 It is past time that the verbs אהב and שנא were recognized for their relative connotations of preferment and rejection (|| Akk. *rāmu* and *zēru*) rather than always in the denotations of love and hate.

72 For the primacy of the birthright as "a matter of the father's discretion and not of chronological priority" cf. Speiser, "I Know Not the Day of My Death," *JBL* 74 (1955), 252–256, or *Oriental & Biblical Studies* (op. cit.) 89–96.

73 It is well to shun the danger of overinterpretation. Yet if the double account of Jacob's acquisition of primogenitural rights reflects in one case the economic and in the other the religious aspect of primogeniture, the following is likely. Isaac's blessings in Gen. 27 relate (prophetically, of course, and in respect to the two sons' lines of descendants) to material prosperity and political dominance. This would point to the conclusion that the narrative in Gen. 25:27–34 relates to the prerogatives of the "firstborn" in the matter of religious or cultic precedence. Hence, what we are only able to guess at through the obscuring interposition of Time's veil would have been immediately intelligible to every Israelite: Esau's scorning of the birthright (v. 34: הנה אנכי הולך למות is hyperbole, equal to our own, "I am dying of hunger;" in v. 30 Esau describes his state as merely exhaustion) constituted scorn for the role of the propagator of the *religious tradition*; he sold this prerogative for the proverbial "mess of pottage."

There is ample evidence that the role of priest in the Israelite family had at one time been filled by the firstborn. Just when this office was shifted from the firstborn is unknown. (The notice of Judg. 17:5, that Micah "consecrated one of his sons to become his priest" during his own lifetime, together with his preference for engaging a Levite, related in the subsequent account, may offer a clue.) That the Levites clearly supplant the firstborn is explicit in Num. 3:11-15 and 18:6 ff. That a shift in the priesthood did not take place without some resistance emerges clearly from Numbers 16. In this conflated account two challenges are offered to the claims of Aaronide priesthood: One, an intra-Levitical struggle pits Korah against Aaron, the former denying that any Levitical family has an exclusive claim to the priesthood. The other challenge, to the Levites in general (in all probability), is offered by descendants of the firstborn Reuben.

23. We need now consider one more element relating to the Coulanges model: the physical representations of the household gods.

These latter are universally presumed to be designated by the Hebrew word *teraphim*. If this presumption is correct, these representations may be present elsewhere masked under the more general term אֱלֹהִים "gods," as they are clearly designated in Gen. 35 where Laban uses the expression "my gods" for the *teraphim* filched by Rachel.⁷⁴ The term *teraphim* appears in a number of passages whose context is divination: In II Kings 23:24 they appear in a list of divinatory and idolatrous items which Josiah destroyed in the course of his "reform"; Ezek. 21:26 pictures the king of Babylon using them, along with arrow-casting and hepatoscopy, to obtain an oracle; Zech. 10:2 has the *teraphim* speaking און in parallelism to the diviners who relate false visions; and in I Sam. 15:23 they appear in parallelism with divination (קסם).

The presence of *teraphim* is noted in David's house without any condemnatory aside. In Judg. 17:3 ff. they appear along with a cast and sculpted image and an *ephod* in a shrine dedicated by Micah to the worship of YHWH, but there with the condemnatory notice that there being no king in Israel in those days any man could do as he pleased. The account in Judg. 18:13 ff. of the Danites absconding with these appurtenances, as well as with their Levitical priest, would indicate (if the account is precise) that *teraphim* had already become disassociated from the narrow function of representing household gods.

74 These are almost certainly among "the foreign gods" in Gen. 35:2,4 which Jacob buried under the terebinth near Shechem. (Is their concealment [טמון] rather than a destructive disposition significant?) They may also be "the gods" (האלהים) in Exod. 21:6, cf. Anne E. Draffkorn, "Ilani/Elohim," *JBL*, 76, 3 (1957), 216-224.

The most perplexing passage in which teraphim appear is Hos. 3:4–5. Israel will return to YHWH and to the Davidic dynasty, but only after a period of time during which it will be deprived of king, chieftain, sacrifice, pillar, ephod and teraphim. This disciplining of Israel, parallel to that of the prophet's whorish woman, poses the question whether all, some or none of the things of which Israel is to be deprived were regarded by the prophet as essentially illegitimate. This problem, hinging on the interpretation of *וְגַם אֲנִי אֵלֶיךָ* in v. 3, cannot be solved here; it would seem, nevertheless, that here too, as in Judg. 18:13 ff., the teraphim appear in a broad cultic context rather than as representative of any family's household gods.

What does emerge from the literature is that as late as David's time (and possibly even much later), cultic figurines could have a place in an Israelite home (or shrine) and not be regarded as incongruous with YHWH worship, perhaps not even with monolatrous or monotheistic YHWH worship. In the Decalogue, Exod. 20:3 *לֹא יִהְיֶה לְךָ אֱלֹהִים אֲחֵרִים* means "You shall have no other gods in My presence;" Exod. 20:4 forbids iconoplasm or iconolatry. Judg. 17:3 ff., discussed above, would indicate that the use of an image need not *se ipso* be inconsistent with monolatrous worship of YHWH. Judg. 8:4–27, despite the condemnatory comment on Gideon's action in v. 27b, points to this same conclusion; for the Gideon who manufactures an ephod here is that same Gideon who in Judges 6 receives and obeys YHWH's bidding to destroy a Baal altar together with its Asherah. The bullock image in Exodus 32 which we know as the Golden Calf and its twins set up by Jeroboam in Beth-el and Dan (I Kings 28 f.) are not alternatives to YHWH but rather identified with him in the respective texts; and it is the conviction of many scholars that the charge of idolatry leveled in connection with these images is a deliberate distortion of the intent of their sponsors, namely, to provide a symbol of YHWH's presence, the visible pedestal for the invisible God.

The point of this excursus is that the presence of teraphim in Israelite homes need not reflect either idolatry in its literal sense nor ancestor worship in any sense.⁷⁵ Veneration is not worship and iconoplasm is not idolatry any more than iconoclasm is monotheism.

⁷⁵ It is now our disagreeable task to comment on R.H. Charles, *The Doctrine of a Future Life in Israel, Judaism and Christianity* (delivered as the Jowett Lectures in 1898–99, published in 1899 and reissued as *Eschatology*, N.Y., Schocken [1963]). A decent respect for one's predecessors might dictate as the better part of valor a disregard of this work rather than a disinterment and exposure. Its rare citation in recent scholarship on the biblical concept of immortality and G.W. Buchanan's decision in his introduction to the Schocken reprint to ignore the category of "the future of the individual after death" and deal with that of "the future of the nation or world" (p. 8). may indicate that

24. Let us summarize our conclusions. We believe that the evidence deduced from earliest Israelite sources through texts as late as the exilic prophets testifies overwhelmingly to a belief on the part of biblical Israel in an afterlife, an afterlife in which the dead, though apparently deprived of material substance, retain such personality characteristics as form, memory, consciousness and even knowledge of what happens to their descendants in the land of the living. They remain very much concerned about the fortunes of their descendants, for they are dependent on them, on their continued existence on the family land, on their performance of memorial rites, for a felicitous condition in the afterlife. Such a belief is not to be confused with "immortality only in their posterity," a phrase which usually reflects the modern notion of the transmission of ancestral genes; nor with a vague hope that the dead continue as individuals or names in the memory of later generations.⁷⁶ Nor is it to carry in its train such conceptual baggage as Paradise, Elysian Fields, Resurrection, etc. This belief on the part of biblical Israel is

as concerns the section on O.T. its fate reflects its value. And ignore it we would if we could. Unfortunately, however, Charles' recognition in Scripture (with freely acknowledged indebtedness to other scholars) of all the elements of the Coulanges model makes it impossible for us to ignore altogether. Lumping all these elements under "Ancestor Worship," he concludes that the individual Israelite derived from this source his view on soul, Sheol, etc.: that "On these questions no revelation was furnished by Yahwism for many centuries; Yahwism had no eschatology relating to the individual to begin with. But with the first proclamation of Yahwism by Moses the doom of Ancient Worship and its teachings was already pronounced...."

It may well be that Charles' formulations and cavalier dismissal of the "Ancestor Worship" elements is largely responsible for both the ignoring and discounting of these elements in recent considerations of the problem. And in our view, if this be so, his work constitutes a monumental disservice to scholarship. Criticism of his entire approach might be regarded as supererogatory were it not that his methodology is still espoused by all too many scientific scholars today. Writing as a Christian divine, inspired by "modern" criticism, piously certain of his values and his ability to see their progression from primitivism in nonrevealed scriptural texts to the triumph of the most noble and exalted formulations in revealed scriptural texts, he reveals a fine retrospective omniscience in the matter of what is early and late in the O.T., his confidence never ruffled by blatant contradictions. He belongs to that category of Bible scholars, unhappily still with us, whom Samuel Sandmel somewhere characterized as not only knowing who wrote what and when but whether he wrote it with a quill or a ball point. It is with deep regret that we have not found ourselves in a position to heed the prescription *De mortuis nil nisi bene*. But if former generations must be called to account, the present one should profit by the example and look to itself.

76 Prov. 10:7, זכר צדיק לברכה, in antithesis to "the name of the wicked will rot," simply means that the mention of a good man's name will appear in invocation of blessing in view of the felicity which is his reward. Cf., e.g., Gen. 22:17-18, 48:20; Jer. 29:22.

not repudiated, nor are the basic practices attendant to it proscribed by the authoritative spokesman of normative biblical religion.

25. We are constrained, however, to propose answers to several questions. The first is: In view of the fact that the Israelite conception of immortality or the afterlife herein expounded is of a piece with the cloth of pagan conceptions, conceptions inseparable from divine ancestors to whom worship is paid and sacrifices offered and inseparable from the superstitions of a Hades-like underworld and practice of necromancy—how could Israelite religion with its anti-pagan, anti-superstitious, monolatrous insistence and monotheistic thrust have tolerated, much less sanctioned, such a belief?

The question is anticipated in part, and the answer adumbrated in part, in § 8. One man's religion is another man's superstition and vice versa. Our perceptions of the normative religion of Israel is often conditioned—if not determined—by what we think it should have been, in keeping with our own notions of superstition, truth or theological validity. But Israelite religion must be seen for what it was—not what it should have been. It was the child of its time and its environment. It indeed rejected much of pagan theory and practice, it carried on much of both in itself, for until it arose all religion was paganism (even the parts that were never rejected—by the most orthodox of believers—and have not been to this very day).

It is far easier to define biblical religion by what it was not, namely, by pinpointing the elements of paganism which it rejected, than by attempting to describe what it was. And even the rejections, the sum total of which define biblical religion, did not take place at one time, in one place, nor, frequently, without a bitter contest between two factions each of which was passionately certain it knew the will of YHWH.

The specific answer to the question, how could Israelite religion have sanctioned a belief in afterlife, lies in the crux of the afterlife/immortality concept, namely, the matter of reward and punishment after death, the one element whose existence is denied by all scholars who, however else their formulations may differ, deny a "meaningful" concept of immortality in the Old Testament.⁷⁷ Our exposition, to the contrary, has made it clear that reward and punishment affecting the dead in their afterlife is of the essence of the biblical concept. And in this lies the

⁷⁷ Except possibly in the latest writings, where the concept crops up due to the supposed influence of Persian concepts. But why *Persian influence* in the fourth century and no influence, say, from Egypt for which Breasted argues not only afterlife but moral judgment there as early as the third and fourth millennia B.C.? Cf. his *Development of Religion and Thought in Ancient Egypt*, N.Y. Harper Torchbook (ed. 1959), 49–198.

great break of the biblical with the pagan model. Search the pagan models and you will find no tie or only a minimal and marginal one between the afterlife concept and morality.⁷⁸ In the pagan world the gods themselves were dependent upon, subject and vulnerable to, the all-embracing sea of impersonal magical power;⁷⁹ in this world of paganism the gods were sometimes just, but more often capricious, occasionally benevolent to man (or some men), but more often self-serving at man's expense. In such a world the operation of immortality through proper progeny performing sacred rites upon the sacred soil was essentially magical and mechanical.

Over against pagan religion, biblical religion had as its theological core the belief that only one autonomous God exists; He, the ground and creator of all being and potential, is concerned for earth and all its creatures, but particularly for the race of man which holds center stage; Himself by essence moral, He is concerned that man use his free will to obey His norms which He freely makes available to him. The biblical genius rendered the inherited model of afterlife theologically acceptable, even a most useful ancillary to its theological core, by making the continuation of posterity (on the land) itself a consequence of obedience to the divine will. Indeed it thereby forged a most potent instrument for motivating man to moral concern in terms of his stake in an afterlife. For whereas an afterlife model featuring reward and punishment after death might limit man's moral accountability to his actions in his own lifetime, the biblical model went further. It made one's condition in the afterlife contingent not only upon his own obedience to the moral norms, but upon how well he succeeded in inculcating his children and children's children with God's moral norms. Was parental responsibility for children, and children's responsibility to parents, as relates to morality, ever formulated with more awesome force?⁸⁰ Consider Deut. 11:18-21: "Therefore lay up these My words in your innermost core . . . and teach them to your children, rehearsing them at home and away from home, upon retiring and rising . . . to the end that long may be the time (ירבו ימֵיכֶם) you and your descendants endure upon the land that YHWH swore to your ancestors He would give them, time as long as heaven lasts over earth." The awesome force of this responsibility, made explicit in the expansion of the Fifth Commandment, rehearsed in Deut. 11:18-21, becomes in Deuteronomy so much a re-

78 Cf. preceding note.

79 Cf. Y. Kaufmann's indispensable discussion of pagan religion, *op. cit.* (our note 9); English, 21-59, Hebrew, Vol. 1, Book 2, 286-416.

80 Cf., above, n. 57, par. 2.

frain as to strike the modern reader as a cliché. What kept it from being a cliché for biblical Israel was the size of the stakes!⁸¹

The foregoing exposition yields two important implications for biblical scholarship in general and biblical theology in particular. First, we shall have to give up once and for all the concept of immortality and/or reward and punishment after death as criteria for the chronological ordering of books of the Bible. Our study in its conclusions is not the first to expose how treacherous and self-defeating is the self-confirming postulate of steady ideational advance from the simple and naive to the complex and sophisticated.⁸² The case for the dating of such books (or parts of them) as Psalms, Proverbs, Ecclesiastes and Job will have to rest on criteria other than the substance of their *Weltanschauung*, certainly not on the specific determination of their handling of the problems of good and evil, theodicy, reward and punishment, the after-life and its nature.

Second, we shall have to give up Deuteronomy as our whipping-boy for the supposed offense of its crassly naive, materialistic and venal emphasis on reward and punishment. If this be an offense, it does not represent a lapse from an otherwise exalted Scriptural thought-world; rather it is one of the main currents coursing throughout the Hebrew Bible, appearing at flood tide in Deuteronomy by virtue of this book's frankly hortatory and admonitory thrust.

But we must go further and exculpate Scripture entirely of any offense in this matter; or else give up our own self-congratulatory pose of having advanced beyond Scripture of the nobility of our view, whether deriving from Rabbinic Judaism or New Testament Christianity. Self-interest and altruism are not contradictories, perhaps not even opposites. (The social contract, for example, bases social ethics on ultimate self-interest, and utilitarianism has been the creed of some of our finest moralists.) Reward and punishment are by definition meaningful only in terms of what men cherish or fear. To behave morally in the hope of reward or fear of punishment in a future life rather than in this material existence is thus a shift in form and not in substance. Reward is not the

81 We are therefore not in disagreement with Vawter's (op. cit., pp. 170–171) characterization of O.T.'s emphasis on "a healthy materialism, a reverence for the dignity of the body... healthy eroticism... a full earthly existence... long life" and their dependence on "the common sense of morality." But this emphasis was well-served by its shaping of the concept of the afterlife; the danger to this emphasis which leads Vawter to discount "mythological" immortality would have been presented by an altogether different model of the afterlife.

82 On this point see above, n. 15 (end), Eissfeldt's basis for dating the Book of Ruth; and n. 75, the pernicious results of Charles' study, based on this postulate.

less reward nor punishment the less punishment when promulgated in terms of the long run rather than the short run, when seen as taking place in this life or in an afterlife. Purgatory and Hell are not conceptions more lofty than Sheol for not being assigned to a geographic or topographic area of Earth. Paradise, Heaven, Elysian Fields, "communion with God," eternal salvation—as incentives for moral conduct these concepts are not intrinsically more noble than is "the reward of the good life is the good life" for the nonbeliever in immortality, or than was the biblical conception of the afterlife for ancient Israel.

26. Another objection to our thesis will have an affinity to the argument from silence: If the veneration of ancestors occupied so central a place in Israelite thought, why are the notices of it so infrequent in Scripture? And, indeed, why are those notices limited to negative or proscriptive contexts.

The answer lies partly in the domain of our image of Scripture as only the visible tip of the iceberg; but also in the common attribution to Scripture of authority for our own spiritual condition, with a consequent distortion of our approach to what is, apart from its legitimate authority, a large array of literature.

Accordingly, the presence or absence of normative Israelite beliefs, or the importance of practices attendant on them, cannot be assessed simply in terms of Scriptural prescriptions of beliefs or details of praxis; for what we know today from explicit prescriptions of Israel's rites and rituals is a minuscule fraction of the whole. Granted some quantity of detail preserved in the levitical texts in the Pentateuch in connection with sacrifices and shrine furniture, what is the relative extent of what we are actually told to the totality of what must have been *de rigueur* in ancient Israel? How scanty is our information on such rites as circumcision, marriage, divorce! When we consider the silence of Scripture on such matters as betrothal, preparation of a corpse for burial, training of priests, definition of the degrees of ritual impurity, and the like, we become more fully aware of what it was that necessitated the emergence of the Mishnah, the literature whose task it was to make articulate the biblical silences; the Mishnah which indeed is, or purports to be, for the biblical tip of the iceberg, the mass below the surface. And, in this connection, let us note that tradition, Jewish and Christian, has interpreted marriage and procreation as enjoined on man by Scripture; yet nowhere are they actually prescribed in Scripture. And for good reason: they are assumed as natural necessities, or privilege.

So too must we view the Israelite concept of immortality and the rites attendant on it of burial, mourning and memorial. Why does Deu-

teronomy, for example, not prescribe a belief in its immortality concept? The answer is, simply: because for the greater part that is not its way. Moreover, practice, not credo, is paramount in Scripture. And that too is why, for example, the canon could admit an Ecclesiastes: its author can deny the inherited model of immortality altogether, yet be deemed acceptable so long as he recognizes the supreme sway of (even an impersonal) God (אלהים), and refrains from any conclusions damaging to prescribed practice in morals or in ritual. This freedom applies to Daniel also as when in 12:2 it implicitly displaces the Sheol model with a resurrection to eternal life.

In Scripture, life on earth, for all its anxieties and fears, frustrations, sorrows, griefs and agonies, is preferable to existence in Sheol. This is clear from the value placed on longevity. Yet the negative aspects of the existence in Sheol (privation of body and sensual pleasures, darkness and silence) did not lead to a doctrinal rejection of it by Scripture. Rather, existence in Sheol was accepted, shall we say, much as we today accept a polluted atmosphere: regrettable, but preferable to poverty, and borne more easily for the by-product of a goodly share of life's luxuries. Sheol was better than oblivion.

27. Another question: Why has a millennium and more of good Bible scholarship failed to discern the basic view of afterlife permeating Scripture? The answer is that the biblical view had ceased to be the norm. Afterlife gave way to resurrection, and tacit assumption to explicit prescription. The inner Jewish and Christian debates were not as between afterlife and extinction, but between resurrection and denial of it; the search was for proof-texts for resurrection, not existence in Sheol. Indeed, had *any* kind of after-existence been the issue in debate, the early rabbis and the early Christians would have found themselves compelled to forego citation of the biblical evidence; for the biblical evidence for immortality presents a model of afterlife which would have constituted a rebuttal of resurrection!

What we must stress again and again is a difference in Scripture between what is merely normative and what is both normative and prescriptive. The absence of prescription for the biblical view of the afterlife is what made it possible for those who emerged as the victorious legatees of Scripture to modify, develop, and change the Israelite view of the afterlife; and even to attempt to establish as dogma the new view of "man's best hope." What might strike us as sad in all this is this: the legatees could have been moved to some pity by those whose experience of life was so bitter as to make extinction a better hope than another life; they could have been prompted to some respect for the moral man who lives a good life without hope for (or fear of) the hereafter:

instead, these proponents of a new dogma sought to make heretics of those who denied this dogma in substance, or denied that it was prescribed in Scripture—and sought to deprive them of the very “immortality” which they rejected! As concerns our own study, the absence of prescription helps to explain why a biblical view whose outlines seem so clear and well-attested has remained so obscured, even in scientific circles of Bible-study, to this very day.

THE DICHOTOMY OF JUDAISM DURING THE SECOND TEMPLE

HUGO (HAIM DOV) MANTEL

Bar-Ilan University

I

The division of Judaism during the latter part of the Second Temple into two main streams, the Pharisees and the Sadducees, is well attested not only by Josephus and Talmudic Literature,¹ but especially by *Megillat Ta'anit*,² whose list of Pharisaic festivals includes seven—six which celebrate various victories over the Sadducees.³

Various theories have been advanced as to the period when the two sects originated, but without sufficient evidence. Most scholars who place the rise of the sects at the beginning of the Hasmonean era,⁴ do so for no other reason than that the first mention of it happens to occur in the middle of Josephus' account of Jonathan the Hasmonean.⁵ Others trace the birth of the two parties to the conflict between the Pharisees and John Hyrcanus,⁶ although the two parties appear there in full bloom.⁷ Hoelscher postpones the origin of the Sadducees to the Roman period, by the simple process of disqualifying earlier testimonies.⁸ Yavetz⁹ dates the rise of the Pharisees in the early Persian era, since

1 See E. Schuerer, *Geschichte d. juedischen Volkes*, II, pp. 449–455. For additional references see H. (D.) Mantel, "Megillat Ta'anit and the Sects (Heb.) in *Studies in the History of the Jewish People and the Land of Israel* in memory of Zvi Avneri (= H. Lichtenstein) (Heb.) 5730 (1970), p. 51, note 3.

2 *Die Fastenrolle*, ed. H. Lichtenstein, reprinted from HUCA 8–9 (1931–1932): 257–331 (1–95).

3 Lichtenstein (supra n. 2), pp. 290–298 (34–42).

4 J. Wellhausen, *Die Pharisaer u. d. Sadducaeer*, Hannover, 1924, pp. 78–86; Schuerer (supra n. 1), p. 442; W. O. E. Oesterley, *A History of Israel*, Oxford, (1932) 1951 II, p. 282; J. Klausner, *Historiah shel ha-Bayit ha-Sheni*, Jerusalem, 1949, III², p. 118; V. Tcherikover, *Hellenistic Civilization and the Jews*, Philadelphia, 1961, p. 491, n. 30.

5 *Ant.* XIII, 171; *B.J.* II, 164–166.

6 H. Graetz, *Gesch. d. Juden*, Leipzig, 1905, III⁵, pp. 98–116 (Heb. pp. 432–443); J. Derenbourg, *Essai sur l'Histoire et la Géographie de la Palestine*, Paris, 1867, pp. 79–82 (Heb. pp. 37 ff.).

7 *Ant.* XIII, 288 ff.

8 G. Hoelscher, *Der Sadduzaeismus*, Leipzig, 1906, pp. 84 ff.

9 Z. Yavetz, *Toledot Yisrael*, Tel Aviv, III², Motze Davar (Appendix) pp. 7–9, "יַעֲבֹץ, תּוֹלְדוֹת יִשְׂרָאֵל, תִּלְ-אֲבִיב, כִּרְך' ג', מִצָּא דְבַר ו', "רֵאשִׁית כֶּת הַפְּרוּשִׁים" pp. 9–7 עמ'.

the Book of Ezra reports that the Sons of Golah "and all such as had separated (—*Nibdal*—) themselves unto them from the filthiness of the nations of the land" celebrated the Passover feast.¹⁰ The term *Nibdal* is synonymous with *Parush*, indicating the beginning of Pharisaic party—Perushim. Yavetz overlooks the fact that the Book of Ezra itself distinguishes between the pious "Sons of the Golah" the real heroes of the story, on the one hand, and "all such as had separated themselves unto them from the filthiness of the nations of the land," on the other; so that the two groups are not identical. Nor is "separation" from pagan impurity an adequate description of the spiritual views and behavior of the Sons of the Golah.¹¹

Zeitlin also traces the origin of the two sects to the beginning of the Second Temple, but he denies that they were organized as sects. The Sadducees were the followers of the Zadokite high priests, and the rest of the people were simply condemned by them as Pharisees, meaning, "people who separated themselves from God and the Torah."

The conflict revolved around three points. The Sadducees wanted a theocracy; the Pharisees, a secular ruler. The Sadducees recognized the divine origin of the Written Law only; the Pharisees made the same claim for the Oral Law. The Sadducees were literalists and dogmatists; the Pharisees interpreted the Pentateuch in accordance with the needs of the people and the demands of the times.¹²

Zeitlin's theory ignores the fact that neither the Sadducees nor the Pharisees are mentioned in contemporary literature, such as the books of Ezra, Nehemiah, and Chronicles.¹³ Moreover, it seems incredible that the Pharisees who excelled as biblical exegetes, conducted public prayers with readings of the Torah¹⁴ and who in many respects assumed religious obligations beyond the requirements of the Torah,¹⁵ could be referred to as "people who separated themselves from the Torah." A fanatic Sadducee might resort to such name-calling, but an absurd name would hardly stick.

L. Finkelstein thinks that as trends of thought, the Pharisaic and Sadducean views had existed during the days of the First Temple, but the sectarian controversy is definitely dated in the time of Judah ben

10 Ezra 6:21.

11 See below, section III.

12 S. Zeitlin, *The Rise and Fall of the Judean State*, Philadelphia, 1922–1962, I, 176; "The Origin of the Sadducees, Pharisees and Essenes," in *The History of the Second Jewish Commonwealth*, Philadelphia, 1933, pp. 41–56.

13 The first mention of the sect is in *Ant.* XIII, 171.

14 *Bell. J.* II, 1962; *Ant.* XVIII, 15.

15 See my article "The Nature of the Great Synagogue," *HTR* 60 (1967), pp. 78–80 (= *טיבה של הכנסת הגדולה, דברי הקונגרס הרביעי למדעי היהדות, תשכ"ז*, 80–78 'עמ').

Tabbai and Simon ben Shattaḥ.¹⁶ He does not, however, define the borderline between divergent trends of thought and controversy.¹⁷ Elsewhere, he argues that the Code of Nehemiah was in effect the foundation stone of the Keneset ha-Ḥasidim, which subsequently became the Pharisaic party;¹⁸ though the term Ḥasidim as the name of a group occurs for the first time during the Maccabean revolt.¹⁹

Our intention is to show that the controversy between the Sadducees and the Pharisees was nothing but a continuation of the one between the Zadokite high priests and the Sons of the Golah, both strongly coherent groups, in the first part of the Persian era; and that, moreover, the nucleus of the dispute may have already been there during the period of the First Temple.

The great Jewish teacher of the Persian period, Ezra the Scribe, received a mandate for his activities in Jerusalem from Artaxerxes.²⁰ The text of this mandate²¹ is preserved in the autobiographical section of the Book of Ezra. Some scholars reject the authenticity of the text of this mandate, but most of them accept its substance.²² It is difficult to see why anyone would be tempted to forge such a document. It could not have been fabricated in Ezra's lifetime or even soon afterwards, nor would there be much point in doing so in the Hellenistic period.²³

16 L. Finkelstein, *The Pharisees*, Philadelphia, (1938) 1962, II, pp. 627–633.

17 Ibid. p. 767.

18 L. Finkelstein, *Ha-Perushim ve-Anshe Knesset Ha-Gedolah*, New York, 5710–1950, pp. 60–65. (א.א. פינקלשטיין, הפרושים ואנשי הכנסת הגדולה, ג.י. תש"י, 65–60 'עמ').

19 I Macc. 7:12.

20 Ezra 7:11–26.

21 M. Vernes, *Précis d'histoire juive depuis origines jusqu'à l'époque présente*, Paris, 1889, pp. 579 ff.; A. Kuenen, *Historisch-Kritische Einleitung in die Buecher d. A. T.* (tr. 1861) Leipzig, 1887, I, par. 33, nn. 4, 5; J. Wellhausen, *Israelitische u. juedische Geschichte*, Berlin, 1958, p. 160; T. K. Cheyne, *Das religioese Leben der Juden nach dem Exil*, Giessen, 1899, p. 56; C. C. Torrey, *Ezra Studies*, Chicago, 1910, pp. 140–207; W. H. Koster, *Die Wiederherstellung Israels*, Heidelberg, 1895, p. 95; G. Hoelscher, *Gesch. d. Israelitischen u. jued. Religion*, Giessen, 1922, pp. 140–141; R. H. Pfeiffer, *Introd. to the O. T.*, New York — London, 1941, pp. 825–826.

22 Ed. Meyer, *Die Entstehung d. Judentums* (Halle, 1896), Hildesheim, 1965, p. 64 ff.; also A. Bertholet, *Die Buecher Ezra u. Nehemiah*, Tuebingen-Leipzig, 1902, p. 32 (Ezra text is the Jewish Vorlage of the official edict); R. Kittel, *Gesch. d. Volkes Israel*, III, p. 853 (Ezra himself formulated the official decree); S. R. Driver, *Introduction to the Old Testament*, (1897), New York, 1957, p. 550, and S. Mowinckel, *Studien zu dem Buche Ezra-Nehemiah*, Oslo, 1964, p. 50 (Ezra revised the decrees to suit the Jewish reader); J. Nikel, *Die Wiederherstellung d. jued. Gemeindewesens*, Freiburg, i. B., 1900, p. 170 (the king's officials acquainted themselves with the Jewish material).

23 See also W. F. Albright, "The Judicial Reform of Jehoshaphat" in *Alexander Marx Jubilee Volume*, English section, New York, 1950, pp. 64–65, who shows that there is no evidence for a Hellenistic date of Ezra-Nehemiah.

There remains the middle of the 4th century provided Ezra's mission is dated a century earlier, in 458 B.C.E. But the question is, whom was this document supposed to have impressed? Like-minded people did not need it, and opponents would have hardly been intimidated by a mandate of a dead Persian king.²⁴

Neither is the precise meaning of Ezra's mandate easy to define. Some scholars hold that Ezra brought the Pentateuch,²⁵ or part of it, as a new law book of Jerusalem. But all efforts to prove from the text of Ezra-Nehemiah which book Ezra brought have proved futile.²⁶ Furthermore, it has been argued that Ezra did not bring a new book at all, as is evident from the rescript which provides that Ezra may appoint judges "for all such as know the laws of thy God" (7:25).²⁷ The generality of scholars agree that Artaxerxes' rescript makes Ezra's law book the constitutional law for the Jewish community in the fifth satrapy²⁸ which, according to Ed. Meyer is, as far as the Jews are concerned, equivalent to Judea;²⁹ non-conformists are thus to be excluded from Israel. According to others, it referred also to compact Jewish groups in several provinces of this satrapy.³⁰ Despite its prominent sponsors, this theory is not without its difficulties. Such interference with religious affairs of Judea is unparalleled in the annals of the Persian Empire. The interests of the Persian kings were confined to two things, collection of tribute and military security.³¹ No Persian king

Cf. L. W. Batten, "The Books of Ezra and Nehemiah," *International Critical Commentary*, Edinburgh (1913) 1949, p. 22.

24 Albright (supra n. 23), pp. 71-72, shows that the latest date for the composition of Ezra-Nehemiah is 405 B.C.E.

25 A. Kuenen (supra n. 21), I, pa. 2, p. 165; B. Stade, *Gesch. d. Volkes Israel*, Berlin, 1888, II, p. 180; J. Wellhausen (supra n. 4), p. 167; Kosters (supra n. 21), p. 114. Also, Noth (infra n. 28) p. 334 (*Gesch.*, p. 302).

26 The erection of booths, as a result of Ezra's reading the Law (Neh. 8:16), seems to be based on a Midrash combining Lev. 18:33-43 with Deut. 16:13-17. See Nikel (supra n. 22), pp. 205 ff. and Y. Kaufmann תולדות האמונה 329-327 עמ' ח', כרך ח' (= Toledot ha-Emunah ha-Yisraelit, VII, pp. 327-329).

27 Nikel (supra n. 22), p. 168, 205-206; Kaufmann (supra n. 26), p. 327; M. Z. Segal, *Mebo-ha-Mikra*, Jerusalem, 1967-5727, p. 770. For further arguments, see Nikel (supra n. 22), pp. 206-211; F. Hitzig, *Gesch. d. Volkes Israel*, Leipzig, 1869, p. 282.

28 Ed. Meyer (supra n. 22), pp. 60-71; J. Wellhausen (supra n. 4), pp. 160 ff.; Nikel (supra n. 22), p. 168; Batten (supra n. 23), pp. 308-309; W. Rudolph, *Ezra u. Nehemiah*, Tuebingen, 1949, p. XXII; M. Noth, *The History of Israel*, London, (1958) 1960 (tr. *Gesch. Israels*), pp. 332-333; אברהם כהנא, ספרי עזרא ונחמיה, ספרי עזרא ונחמיה, ירושלים, תש"ט, עמ' 19-16 תל-אביב, תר"צ, עמ' 31; מ. זר-כבוד, ספרי עזרא ונחמיה, ירושלים, תש"ט, עמ' 19-16.

29 Ed. Meyer (supra n. 22), pp. 60-71.

30 M. Noth (supra n. 28), p. 332; J. Bright, *A History of Israel*, London, 1960, p. 370.

31 Herodotus, III, 89 ff. (Loeb Classical Library, II, pp. 116 ff.). On Darius II's letter to the Jewish military colony in Elephantine, permitting them to cele-

is known to have attempted to impose a national religion on any of his subjects. Noth's supposition that the Babylonian exiles' influence may have been so great as to cause Artaxerxes to deviate from the imperial policy³² is unparalleled and, therefore, a counsel of despair. The same objection applies to Nikel's suggestion that Ezra's mission was to fend off the danger to the ancient religious national rights of the Jews from Samaritan influence.³³ Equally unsupported is Galling's suggestion that Ezra's mission consisted of investigating the conflict between Johanan the high priest, and Bagoas the governor, about the year 400.³⁴ The various other attempts to defend this theory are less than successful.

Ed. Meyer himself cited as an analogy Darius' grant to Udjeharresne, the chief high priest of Sais, his request to reorganize the college of the hierogammateis and the cult of his temple.³⁵ The analogy is not convincing. The Egyptian "Houses of Life," in Sais and elsewhere, were ivory towers for scholars who composed or copied sacred and cognate books which, in turn, became the subject of learned discussions.³⁶ Ezra's mission, on the other hand, was, as far as we know, not undertaken at the request of the high priest, nor did Ezra work in cooperation with him. On the contrary, his entire work was with the masses, trying to influence their religious conduct.

J. M. Myers,³⁷ who seconds Ed. Meyer's suggestion, adds vaguely that Ezra was sent on some political as well as religious mission. As evidence, he cites that in contemporary references in Egypt there occur titles similar to Ezra's, namely, "royal scribe inside the palace," and "scribe of God's book," presuming apparently, though without evidence, that all these titles were united in the same person. Even granting this assumption, however, there is not the slightest hint in Artaxerxes' rescript or in Ezra's activities that Ezra was a political emissary. He was not a "royal scribe" but a "scribe of the law of God of heaven,"³⁸ that is, of the Torah, and was to act in accordance with the "law of

brate Passover, see B. Porten, *Archives from Elephantine*, University of Calif. Press, 1968, pp. 280-281.

32 Noth (supra n. 28), *ibid.*

33 Nikel (supra n. 22), p. 168. The obtaining of the edict is described by Nikel himself as an "amazing success" (erstaunlicher Erfolg), (supra n. 22), p. 169.

34 J. M. Myers, *Ezra-Nehemiah*, Garden City, N.Y., 1965, p. 62; K. Galling, *Die Buecher d. Chronik Ezra, Nehemiah*, Goettingen, 1954, pp. 204-205. For a refutation, see H. Schneider, *Die Buecher Ezra u. Nehemiah*, Bonn, 1959, pp. 132 ff.

35 Ed. Meyer (supra n. 22), pp. 70-71.

36 Gardiner, "The House of Life," *Journal of Egyptian Archaeology* 24 (1930), p. 157.

37 J. M. Myers, *Ezra-Nehemiah*, The Anchor Bible, Garden City, N.Y., 1965, pp. 61-62.

38 Ezra 7:12. See also *ibid.* 7:6 ("ready scribe in the law of Moses") and 7:11 ("scribe of the words of the commandments of the Lord").

thy God"³⁹ and "wisdom of thy God,"⁴⁰ purely religious terms. As for the authorization of Ezra's judges to punish all those who violate "the law of thy God, and the law of the king,"⁴¹ the reference is obviously to fixed laws, not to political orders. This does not exclude the possibility, or even the probability, that Artaxerxes' motives were political.⁴² But the attribution of such motives to Ezra is not warranted by the sources.

Essentially the same theory, but with more plausibility, has been proposed recently by Morton Smith. According to Smith, the high priests at this time were syncretists but the Babylonian Jews persuaded Artaxerxes that the majority of the Jews in Jerusalem were monolatrous and that therefore the high priest constituted a political liability. Ezra was therefore dispatched to carry out a legal reform in consonance with the majority of the population.⁴³

However, there is no conclusive evidence that the high priests were syncretists, or that the Astarte figurines, winged sun discs, etc., found on seals in Palestine during this period belonged to the high priest. On the contrary, the fact that these objects were found also in Galilean synagogues as decorations, proves that they were not objects of worship. The "Canaanites," who were in the Temple, according to Zechariah 14:21, may not have been priests but merchants;⁴⁴ and even if the reference is to priests who were the offspring of mixed marriages, there is no justification for assuming that they were syncretists. We may assume safely, moreover, that had the sin of the priests been the worship of strange gods, Malachi would have said so in no uncertain terms and not contended himself with the feeble rebuke: "Ye have caused many to stumble to the law."⁴⁵ Nor does the term "abominations,"⁴⁶ from which the Jewish parties to intermarriages had not separated themselves, signify exclusively idolatry; it could refer to other forbidden

39 Ibid. 7:14.

40 Ibid. 7:25.

41 Ibid. 7:26.

42 See Hitzig, *Gesch. d. Volkes Israel*, p. 290; Kittel, *Great Men and Movements in Israel* (1929), New York, pp. 420-424; idem., *Gesch. III*, p. 583. See also Heichelheim, *infra* n. 109.

43 M. Smith, "Palestinian Judaism in the Persian Period," in *Delacorte World History*, vol. V., *The Greeks and the Persians from the 6th to the 4th centuries*, ed. H. Bengtson, New York, 1968, pp. 381-401.

44 This meaning is given by Jonathan (תגר) and the Vulgate (mercator). See H. G. Mitchell, "Haggai and Zachariah," *International Critical Commentary*, Edinburgh (1912) 1951, p. 357; 23p עמ' עמ' 125 זר-כבוד, הספרים חגי, זכריה ומלאכי, ירושלים, תשי"ז, עמ' 125 (הכשלתם רבים בתורה).

45 Malachi, 2:8 (הכשלתם רבים בתורה).

46 Ezra, 9:1 (כתועבתיהם).

moral and ethical practices.⁴⁷ This objection applies also to Smith's inference from Ezra 6:21 that, "the filthiness of the nations of the land"⁴⁸ refers to idolatry.

Kaufmann has argued that the idolatry of which Ezekiel, chapters 16 and 23, and Isaiah 57 (and we may add Zechariah 10:21) speak, refers to the sin of the ancestors which has not yet been expiated, while Isaiah in chapters 65–66 speaks of superstitious customs, some of which include eating of pigs, worms and mice. He reinforces his point by the fact that none of the works of Ezra, Nehemiah, Haggai, Zechariah and Malachi, complain of a contemporary practice of this nature.⁴⁹

Furthermore, if the high priest was successfully depicted to the Persian authorities as a *persona non grata*, what prevented the Persians from replacing him? The Persian governor Bagoas did not hesitate to "promise" the high priesthood to Yeshua,⁵⁰ apparently by interceding for him with the central government. Nor do we find Ezra making the slightest effort to purify the Temple or the high priest... Again, Ezra was far from finding large-scale resistance to his religious activities; the initiative both to the dissolution of the intermarriages and to the reading of the Torah in public, came from the שרים, the "princes"⁵¹ and from "all the people as one man,"⁵² respectively. There is not the slightest echo of the arguments of the syncretistic women of Jeremiah in Egypt.⁵³ And if the dealings of Ezra were exclusively with the minority of like-minded people, as Smith presumes, then what did he accomplish? The majority remained as they were before, syncretists, supposedly.

Finally, if Artaxerxes' mandate was an order to impose the Torah as the constitution of Judea, Ezra seemed to have been completely unaware of it. He behaved always as a teacher, never as an official; and depended entirely on the power of persuasion, never on compulsion. When informed of the intermarriages, he reports that he "rent my garment and my mantle, and plucked off the hair of my head and of my beard, and sat down appalled."⁵⁴ The claim that he merely refrained from using his royal authority⁵⁵ is an argument of desperation,

47 Y. Kaufmann (supra n. 26), p. 292. See also J. M. Myers (supra n. 34), p. 79.

48 Ezra, 6:21.

49 Y. Kaufmann (supra n. 26), pp. 33, 139, 284; Porten (supra n. 31), pp. 173–179, argues that with a small exception, even the Elephantine colonists were monolatrous.

50 Ant. XI, 298, ὑπέσχετο,

51 Ezra, 9:1.

52 Nehemiah, 8:1.

53 Jeremiah, 44:15.

54 Ezra, 9:3.

55 Nikel (supra n. 22), p. 167; J. Klausner (supra n. 4), I, p. 267.

since such conduct on the part of a king's official or deputy constitutes *lèse majesté*.

The conclusion is unavoidable that Ezra was not authorized by Artaxerxes to change the constitution of Judea, religiously or otherwise. Indeed, it is difficult to see how Artaxerxes could have issued such an authorization. The high priest who, under the Persian governor, was the head of the state, both religiously and politically, had his own traditions and point of view. Ezra's traditions and point of view were at complete variance with those of the high priest.⁵⁶ To expect the high priest to put into practice and enforce an interpretation of the Torah with which he disagreed would have been an invitation to anarchy and confusion.

Moreover, the assumption that Artaxerxes' mandate was directed at the government of Jerusalem, inevitably leads to contradictions and obscurities. No wonder that some scholars deny the authenticity of the rescript.⁵⁷ We referred to the contradiction between Ezra's supposed authorization to make the Torah the law of the land, including powers to impose penalties,⁵⁸ on the one hand, and on the other, his utter prostration when faced with the unlawful intermarriages.⁵⁹

Another contradiction to his supposed authorization to appoint judges in the fifth satrapy, in Jerusalem, which has so far not been noted, is that upon his arrival in Jerusalem, Ezra made no attempt to appoint judges who shared his religious views,⁶⁰ but simply resorted to existing ones, "the elders of each city and its judges,"⁶¹ with no questions asked.

The rescript furthermore contradicts itself on the nature of Ezra's authorization. At the beginning of the document, Ezra is authorized *לבקרה* "to investigate" or "to inquire," concerning Judah and Jerusalem.⁶² His mission then is one of fact-finding only; he is not empowered to act upon the results of his findings.

But in the concluding part of the document he may appoint magistrates and judges both for "the law of thy God and the law of the king" and mete out punishment "whether it to be unto death or to banishment or to confiscation of goods or to imprisonment."⁶³ Considering the precision with which Persian edicts were composed,⁶⁴ the self-contradiction of the document is obvious.

56 See below, section III.

57 See *supra* n. 21.

58 Ezra, 7:25-26.

59 Ezra, 9:3 ff.

60 Ezra, 7:25 *ואנת עזרא, כחכמת אלהך דיי-בידר מני שפטין ודינין*.

61 Ezra, 10:14 *וקני עיר ועיר ושפטיה*.

62 Ezra, 7:14.

63 Ezra, 7:25-26.

64 See Bickerman, "The Edict of Cyrus in Ezra 1," *Journal of Biblical Literature*, 65 (1946), pp. 256-258.

Perhaps the most enigmatic part of the edict is the provision that Ezra's judges may deal only with those who know the law לְכָל יָדְעֵי דָתִי ("all such as know the laws of thy God") but not with those who do not know it. The latter cannot be summoned to court, they may only be taught: "and teach ye him that knoweth it not" (וְיָ לֹא יָדַע) (תהודעון).⁶⁵ Even here it is not clear whether Ezra must or may teach them. At any rate, the next clause which provides for violators "whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment" (הֵן לְשֵׁרֵשִׁי הֵן לְעֹנֶשׁ נִכְסִין וְלֹא־סוּרִין)⁶⁶ necessarily applies to those who know the law. Whoever claims ignorance of the law goes scot-free. In sum, this part of the authorization is simply incredible.

Finally, the clause in Ezra's rescript exempting Temple servants from taxes,⁶⁷ after the Temple has been standing for sixty years, during which they were, like all Temple officials in the Persian Empire, exempt from taxes,⁶⁸ is another enigma that has not been adequately explained. And the enigma is compounded when we consider that none of Ezra's activities was connected with the Temple services. His function was confined to teaching and guiding the people (see verses 6 and 10 f).

II

We propose, therefore, that Ezra's mission was not concerned either with Persian governmental affairs or with official, cultic religion of Judah. It was concerned with the Community of the Exile, the קהל הגולה, which was within the Judaean state, the autonomous community of the Jews who had returned from Babylonian exile. The religious life of the Sons of the Golah was what we would call today personal religion, and was entirely distinct from the cultic religion of the Temple presided over by the high priest. Ezra's mission therefore did not trespass the high priests' jurisdiction.

The rescript consists of two parts. The first twelve verses (after the introduction) enabled Ezra to revitalize the Community of the Exile in Judah and Jerusalem.⁶⁹ The last two verses authorized him to organize such communities throughout the fifth satrapy.⁷⁰

The "Sons of the Exile" in Judah had been a separate entity, since

⁶⁵ Ezra, 7:25.

⁶⁶ Ezra, 7:26.

⁶⁷ Ezra, 7:24.

⁶⁸ J. A. Wilson, in Pritchard, *Ancient Near Eastern Texts*, p. 212. In the Gadatas inscription (Hicks and Hill), *Manual of Greek Inscription*, new ed. Oxford, 1901, n. 20; and Cousin and Deschamps in *Bulletin de Correspondance Hellénique* 13 (1889), pp. 529-542, Darius and his predecessors granted such exemptions.

⁶⁹ Ezra, 7:13-24.

⁷⁰ Ibid. 7:25-26.

their first return from Babylon. They dedicated the Temple, in the year 516; and arranged the Passover sacrifice shortly afterwards.⁷¹ They had been ruled internally by their chiefs of clan, called שרים וזקנים "princes and elders,"⁷² or simply "princes,"⁷³ sometimes referred to as שרינו "our princes"⁷⁴ as distinguished from the "elders of the cities"⁷⁵ and from the state officials. Similarly, those of the priests and Levites who were members of the "Sons of the Golah" were called "our priests and our Levites" (Neh. 9:1). The titles חוריים⁷⁶ and סגנים are never mentioned in connection with Ezra, only with Nehemiah who was governor of the state.⁷⁷

The religious life of the "Sons of the Golah" was more intense than that of the native Jews. While some of the latter joined their community,⁷⁸ many of the "Sons of the Golah" had, in the course of time, become lax in their religious practices.⁷⁹ The reason is not hard to fathom. They lacked spiritual leadership. The high priest did not identify with the "Sons of the Exile."⁸⁰

Artaxerxes' mandate permitted Ezra merely "to investigate" the religious conditions of the community of the Golah in Judah and Jerusalem.⁸¹ He needed no formal permission to act, as his mission here consisted merely of providing spiritual leadership. In Judea he had no authority to impose penalties on violators of the law. Such authority had been vested with the heads of the Community of the Exile.⁸² When Ezra succeeded in impressing upon elders and princes the gravity of

71 Ibid. 4:1, 6:19. See Nikel (supra n. 22), pp. 62-65.

72 Ibid. 9:1, 10:5.

73 Ibid.

74 Ezra, 10:14 (שרינו, לכל הקהל); Nehemiah, 10:1 (כהנינו).

75 Ezra, 10:14 (זקני עיר ועיר ושופטיה).

76 Nehemiah, 2:16; 4:8,13; 5:7,17; 7:5; 12:40; 13:11 (סגנים); 5:7; 6:17; 13:17 (חרי יהודה, חרים).

77 Ed. Meyer (supra n. 22), pp. 132-135; and S. Mowinckel, *Studien z. d. Buche Ezra-Nehemiah*, Oslo, 1964, I, pp. 138-140, mistakenly identify the חרים וסגנים of Nehemiah with the שרים וזקנים of Ezra. The former were provincial officials, while the latter headed the "Sons of the Golah." The סגנים of Ezra, 9:2, is not considered genuine. The LXX has ἀρχόντων = שרים. The Vulgate has both "principum et magistratum" = שרים וסגנים. Similarly, I Ezra, 8:70, but in the previous verse, 69, only "princes." See A. S. Kapelrud, *Authorship in the Ezra-Narrative*, Oslo, 1944, p. 61; also, L. W. Batten, "Ezra and Nehemiah," *International Critical Commentary*, Edinburgh (1913), 1949, pp. 331-332.

78 Ezra, 6:21. In Ezra 10:7-8 only the "Sons of the Golah" were summoned, but in the following verse, v. 9 — ויקבצו כל אנשי יהודה ובנימין.

79 Ezra, 9:1.

80 The high priest is never associated with the religious activities of either Ezra or Nehemiah.

81 Ezra, 7:14 (לבקרה).

82 Ezra, 10:8.

intermarriage, it was the latter who decided to expel the culprits from the Community of the Exile.⁸³

However, the process of the divorce was not a purely internal affair of the Community of the Exile. The gentile wives were not under the jurisdiction of the Community, but of the state, or the city of their residence. Divorces involved precise financial settlements in a legal form, as attested by the contemporary Elephantine papyri.⁸⁴ Hence in the arrangement of the divorces the ועיר ושופטיה "elders of each city and its judges" had to participate.⁸⁵

The second part of the rescript does not deal with the situation in Jerusalem; it authorizes Ezra to appoint magistrates and judges לכל עמא "to all the people beyond the river, all such as know the laws of thy God,"⁸⁶ that is, to all the followers of "the Sons of the Golah" in the fifth satrapy.⁸⁷ Knowledge here is not used in the technical sense of scholars and experts in the Torah, but as a synonym for the "Sons of the Exile" and their sympathizers. The verb ידע frequently designates "to recognize the authority of,"⁸⁸ as in וידעת כי ה' אלהיך הוא האלוהים ("and thou shalt know that the Lord thy God is God").⁸⁹ That there were Jewish settlements in Moab, Ammon, Edom and neighboring countries after the destruction of the First Temple is attested to by Jeremiah.⁹⁰ That not all Jews of Judah and Jerusalem were exiled to Babylon, we gather not only from Jeremiah,⁹¹

83 Ibid. 10:2-5.

84 A. Cowley, *Aramaic Papyri*, Oxford, 1923, nos. 9, 15, etc.; E. G. Kraeling, *The Brooklyn Museum Aramaic Papyri*, New Haven, 1953, pp. 52-54; B. Porten, *Archives from Elephantine*, pp. 209, 261 ff.

85 Ezra, 10:14.

86 Ezra, 7:25.

87 The term עמא need not refer to the entire population, but to the community of the Golah, as in Nehemiah, 8:1 (ויאמרו כל העם... ויאמרו). Subsequently they are identified as in Nehemiah, 8:2 (לפני הקהל) and Nehemiah, 8:17 (ויעשו). (כל הקהל השבים מן השבי). See Mowinckel (supra n. 22), p. 89. In general, the terms אנשי and עמא should be taken in the context. Ezra dealt always with the "Sons of the Golah," so that in connection with him they always refer to the "Sons of the Golah." Thus הגולה (Ezra, 10:7) and בני הגולה (ibid. 10:8), are identified as אנשי יהודה ובנימין in the next verse (ibid. 10:9).

88 See D. Haenel, *Das Erkennen Gottes bei den Schrift-propheten*, Berlin, 1923, pp. 230-231, W. Reiss, "Gott nicht Kennen" im Alten Testament, *Zeitschrift für Alttestamentliche Wissenschaft*, 58 (1940-1), pp. 70-98.

89 Deut. 7:9, etc. Again, Exod. 6:7; 10:2 (וידעתם כי אני ד'); Ezekiel, 6:10 (וידעו כי אני ד'), etc.

90 Jeremiah, 40:11 (גם כל היהודים אשר במואב ובבני עמון ובאדום ואשר בכל) (הארצות).

91 Ibid. 39:10 (ומן העם הדלים אשר אין להם מאומה השאיר בנזוראדן רב-טבחים) (בארץ יהודה...).

but also from Ezra⁹² and Nehemiah.⁹³ Nebuchadnezzar exiled only the cream of the Judaeen population,⁹⁴ leaving the rest of it in the land. Grintz⁹⁵ has recently argued, with justice, that Nebuchadnezzar destroyed only Judah and the coast, but the rest of the country retained its Jewish character, as we find it later in the Hasmonean era. Thus the Book of Judith speaks of a Jewish Galilee.⁹⁶ The books of the Maccabees also report the presence of Jews in Transjordan, the Mediterranean coast⁹⁸ and in Galilee.⁹⁹ In all these places Ezra was authorized to organize the "Sons of the Exile" and like-minded people into autonomous communities. He could appoint for them magistrates and judges to enforce both religious and secular laws, דתי אלהך ודתי די מלכא, "the law of thy God and the law of the King." He was allowed to missionize among the Jews: ודי לא ידע תהודעון "and teach ye him that knoweth it not."¹⁰⁰

In granting this privilege, Artaxerxes merely extended the judicial autonomy enjoyed by the Golah in Babylonia,¹⁰¹ as well as by the Community of the Exile in Judah, to the Jews throughout the fifth satrapy. We may safely assume that Jews in Babylonia lived under their own laws.¹⁰² Many of them, if not most of them, lived in villages of their

92 Ezra, 6:21 ויאכלו בני ישראל השבים מהגולה וכל הנבדל מטמאת גויי הארץ (אליהם). Here בני ישראל includes both the returnees from the captivity as well as those who "separated themselves unto them." See Nikel, (supra n. 22), p. 65; Smend (infra n. 94), p. 146.

93 Nehemiah, 10:29, ושאר העם, הכהנים, הלויים, השוערים, המשוררים, הנתינים, וכל הנבדל מעמי הארצות אל תורת האלוהים. The term תורת האלוהים refers to the Torah as interpreted by the "Sons of the Golah."

94 W. F. Albright, cites Jeremiah, 40:6.11.15; 41:10.16; 42:2.15.17.19; 43:5; 44:7.12.14.28. R. Smend, "Ueber den Genesis d. Judentums," *Zeitschrift für Alttestamentische Wissenschaft*, 2(1881), pp. 146-151.

95 Y. Grintz, 33-32 עמ' תשכ"ט, ירושלים, פרקים בתולדות בית שני, ירושלים, תשכ"ט, עמ' 155.

96 Book of Judith, 5:1 ff.

97 I Macc., 5:6,9,17,24 ff.; 35 ff.

98 Ibid. 5:57 ff.; 10:74 ff.

99 Ibid. 5:14. J. T. Milik, *Revue Biblique*, 63 (1956), pp. 407 ff., sees in Qumran Aramaic documents evidence that Nabonidus settled Jews in North Hedjaz.

100 Ezra, 7:25-26.

101 Jeremiah sent messages to "all the Golah," 29:1. Similarly, Ezekiel came to the Golah (הגולה), 3:11; 11:24; spoke to the Golah, 11:25. He also reports (3:15) "I came to the Golah at Tel-abib." See discussion of תל אביב, 155 עמ' Vogt (infra n. 103), pp. 22-43, identifies "Golah" with those "that were come back out of the captivity" (השבים מהגולה), but subsequently the term was applied to all the inhabitants of Judah. However, he overlooks the fact that Jeremiah and Ezekiel have addressed the Golah in Babylonia. Vogt is right in pointing out that the term Golah refers to a collective group (pp. 25-41).

102 See G. F. Moore, *Judaism*, Cambridge, Mass., 1928, I, p. 18; A. Causse, *Les Dispersés d'Israël*, Paris, 1929, pp. 45-49, 72-73; R. Smend (supra n. 94), p. 148; E. Klamroth, *Die Juedischen Exulanten*, Leipzig, 1912, pp. 88-89, though

own.¹⁰³ If any of them lived in great cities, and we have no evidence that they did,¹⁰⁴ they resided in special quarters, as the Jews subsequently did in Alexandria, Rome and throughout the world.¹⁰⁵

The Jews were not alone in enjoying judicial autonomy in the Persian Empire. The fact that the Greeks there and in Phrygia, Babylonia, etc., retained their cultural identity for hundreds of years seems to indicate that they had a similar privilege.¹⁰⁶ Indeed, Mazdaism itself had not become a state religion before Artaxerxes I, perhaps even later, so that its followers must have formed communities like those of the "Sons of the Golah."¹⁰⁷ The guilds of various kinds had had the same form of

he sees no evidence that the communities were officially recognized (pp. 32-33). On the origin of the institution of Exilarch (Resh Galuta), see *infra*, 137.

103 The following are mentioned as Jewish places of habitation: תל-מלח, תל-חרשא, כרוב, אדן, אמר, "Tel-melah, Tel-harsha, Cherub, Addan, Immer" (Ezra, 2:59); also Casiphia (Ezra, 8:17). Scholars differ as to the reason that Casiphia is called "the place" (המקום).

(1) Some believe that it contained a sanctuary or cult place. A. Causse (*supra* n. 102) pp. 73, 77; L. E. Browne, "A Jewish Sanctuary in Babylonia," *Journal of Theological Review*, 17 (1916), pp. 400-401; *idem*, *Early Judaism*, Cambridge, 1920, p. 53, A. S. Kapelrud (*supra* n. 77), p. 47.

(2) According to H. C. M. Vogt, *Studien zur Nachexilischen Gemeinde in Esra-Nehemia*, Werl, Posttach, 1966, pp. 128-134, it was a synagogue; also, Klamroth, (*supra* n. 102), pp. 93-98; K. Galling, "Erwaegungen z. Antiken-Synagogue," *Zeitschrift d. Deutschen Palestina Vereins*, 72 (1956), pp. 166 ff. See also, Causse (*supra* n. 102), pp. 73-77.

(3) Others infer from the context that it refers to a training school for Levites. E. Bertheau, *Die Buecher Ezra, Nehemiah u. Esther*², 1887, p. 101; V. Ryssel, "Die Anfaenge d. juedischen Schriftgelehrsamkeit," in *Theologische Studien u. Kritiken*, 1887, p. 165; W. Rudolph, *Ezra u. Nehemiah*, Tuebingen, 1949, p. 83.

(4) To others it is merely a Jewish colony. H. Winckler, "Die doppelte Darstellung in Ezra-Nehemiah," *Altorientalische Forschungen* II, Reihe III, 2, pp. 509-530; R. A. Bowman, in *Interpreters' Bible*, III, p. 636. For other sources on Jewish settlement in Babylonia, see N. Hilprecht, *Babylonian Expedition*, Philadelphia, 9 (1878) and 10 (1904); A. T. Clay, *Publications of the Second Babylonian Sec.*, Philadelphia, 1912; see also, E. Ebeling, *Aus dem Leben d. Juedische Exulanten in Babylonien*, Berlin, 1914.

104 The Jews of the Murashu documents were a rural population. See מ. זר-נבון, מצב הכלכלי של הגולים בבבל, ספר היובל לרבי חניך אלבק, ירושלים, תשכ"ג, 252-238 ע'מ.

105 See S. W. Baron, *The Jewish Community*, Philadelphia, 1942-5702, I, pp. 75-111.

106 Greeks in the Persian empire retained their identity for hundreds of years, as Bickerman pointed out. Bickerman, "The Edict of Cyrus," *Journal of Biblical Literature*, 65 (1946), pp. 261-262. See also J. D. Morgan, "Découverte d'un Sépulture Achéménide à Suse," *Mémoires, Recherches Archéologiques*, Tome VIII, troisième série, Paris, 1905, pp. 29-41.

107 Diodorus I, 94, 2 (Loeb Classical Library I, p. 321). See also A. V. W. Jackson, *Zoroaster*, New York, 1898, pp. 56-79. Many of the Yasnas are prayers

autonomy for many centuries previously in Babylonia and Assyria.¹⁰⁸

Artaxerxes, in extending this privilege to the Jews of the fifth satrapy, was no doubt, as Heichelheim has pointed out, politically motivated.¹⁰⁹ The Persian authorities trusted the political loyalty of the "Sons of the Exile," both in Babylonia and elsewhere. They were glad to have their influence throughout the fifth satrapy. Such loyalty was important to both Artaxerxes I and II, as the Egyptians revolted against the Persians both in 458 and 400 B.C.E.¹¹⁰

The question of the inclusion in the firman of the exemption of the Temple servants from taxes, may also find the answer within the context of Ezra's mission to the Community of the Exile.

Judging from their expert performance at Ezra's meetings,¹¹¹ the Levites must have been acting as public teachers already in Babylonia. It may be safely assumed, therefore, that provisions had existed for their intensive training in the Torah. Indeed, it had been suggested that Casiphia was a center for such training.¹¹²

Yet the Levites had two good reasons for not joining Ezra's caravan to Jerusalem, a professional, or spiritual, as well as an economic one. Under the high priestly rule in Jerusalem, the Levites could neither act as public instructors nor could they receive tithes. The priests had apparently not been providing for the public reading and explaining of

for the welfare of "the Community." See C. Bartholomae, *Die Gathas d. Avesta*, Strasbourg, 1905, pp. 32-33, 39; also, J. Darmsteter, *The Zenda-Avesta*, II, Oxford, 1883, pp. 203-211, listing the early followers of Zoroaster: vol. XXV, pp. 96-110. The Zoroastrians had their own law. Darmsteter (supra.) I, 1880, p. LXXXIII.

108 I. Mendelsohn, "Guilds in Babylonia and Assyria," *Journal of the Oriental Society*, 60 (1940), pp. 68-72; D. B. Weisberg, *Guild Structure and Political Allegiance in Early Achaemenid Mesopotamia*, Yale University Press, 1967, pp. 77-102. On the Persians' granting such privileges to other nations, see Z. Falk, *Mabo le-dine Yisrael*, I, Tel Aviv, 5729-1969, p. 44.

109 F. Heichelheim, "Ezra's Palestine and Periclean Athens," *Zeitschrift fuer Religions- u. Geistesgeschichte*, 3 (1951), pp. 251-253. For earlier suggestions of the political motive, see Hitzig, *Geschichte* (1969), p. 290; B. Stade, *Gesch. d. Volkes Israel*, II, p. 141, thinks that Ezra was sent in order to put a "stop to the source of political restlessness." But Nikel (supra n. 22), p. 164, argues that Ezra's dissolution of intermarriages was likely to produce the opposite effect. Nor is there any evidence for E. Sellin's suggestion (*Zerubabel*, 1889, pp. 61 ff.) that Ezra's purpose was to destroy the hope for the reestablishment of the House of David.

110 R. H. Hall, "The Last Native Monarchy," in *Cambridge Ancient History*, VI, 1953, pp. 144-154.

111 Nehemiah, 8:7-11; 9:4 ff. See Causse (supra n. 102), p. 46.

112 See above, n. 103. Even if Casiphia was a "place" of a synagogue only, Levites must have been active in the synagogues as "those" who caused the people to "understand" (מבִּינִים) the Torah.

the Torah,¹¹³ so that Ezra's reading of the Law was met with overwhelming emotion by the people.¹¹⁴ Evidently, the priests regarded themselves as "those that handle the Torah,"¹¹⁵ and if anyone had an inquiry, he could turn to them.¹¹⁶ The priests, moreover, denied the Levites the right to the tithes. Upon returning to Jerusalem, Nehemiah found:

כי מניות הלויים לא נתנה, ויברחו איש לשדהו, הלויים והמשוררים עשי המלאכה.
 "The portions of the Levites had not been given them, so that the Levites and the singers, who did work, were fled every one to his field."¹¹⁷ There were no such complaints about the priestly emoluments. The priests apparently objected to the Levites being considered Temple servants and thus receiving tithes. On the other hand, in Babylonia they did receive tithes. According to a tradition in the Yerushalmi, רבותינו שבגולה היו מפרישין תרומות ומעשרות עד שבאו הרובין ובטלו אותן.
 "Our teachers in the Golah (=Babylonia) used to separate priestly gifts and Levitic tithes until young scholars (*robin*) came (ca. 200 C.E.) and abolished them."¹¹⁸ This tradition is supported by the Mishnah which calls tithing in Babylonia "an ancient ordinance" (מעשה ישן) and "an ordinance of the prophets" (מעשה נביאים).¹¹⁹ Since the age of prophecy came to an end with the conclusion of the Persian era,¹²⁰ the ordinance of tithing must have been earlier.

No wonder, then, that no Levites were found in Ezra's caravan to Jerusalem. Ezra, therefore, proceeded to reassure them, through his messengers to Iddo, the head of Casiphia, that they would serve in Jerusalem as משרתים לבית אלהינו "ministers for the house of our God,"¹²¹ and as such entitled to tithes. He must have cited to them the firman of Artaxerxes, which listed them officially among the Temple servants. However, his interest was not in ministers of the Temple, but in teachers. Thus, upon the return of the messengers, he thanks God that they brought us איש שכל "a man of reason" (that is, men of reason, or sense).¹²² Subsequently, the Levites indeed accompanied their reading

113 Nehemiah, 8:1-11; 9:1-5. The priests are mentioned in 8:13, but not in connection with the public reading, only with a meeting of the heads of the clans. Since the high priest is not mentioned, we may conclude that not all priests participated, only the like-minded ones.

114 Nehemiah, 8:9-12. There is no indication that the reading contained reference to the prohibition of marriage with non-Judeans, as M. Smith writes (*supra* n. 43), p. 392.

115 Jeremiah, 2:8.

116 Malachi, 2:7.

117 Nehemiah, 13:10.

118 *P. Hallah*, 4:10, 60a. On the meaning of *robin*, see M. Ber, בר מ. "מאן אינון הרובין", סיני, סח (תשל"א), עמ' קמד.

119 *M. Yadaim*, 4:3.

120 *Seder Olam Rabah*, ch. 30, p. 140 (ed. Ratner, New York, 1966²).

121 Ezra, 8:17.

122 *Ibid.* 8:18.

of the Torah, under the auspices of Ezra, by giving it sense (שום שכל)¹²³ "and caused them (the people) to understand the reading." Later, in their solemn pledge in the Nehemiah Code, the "Sons of the Golah" provided to give מעשר אדמתנו ללויים "the tithes of our land to the Levites,"¹²⁴ apparently in the face of priestly opposition. Nehemiah set up a special committee to insure the giving of the tithes to the Levites.¹²⁵

On this theory, Ezra's reticence in revealing the reasons he gave the Levites for joining his caravan, becomes understandable. He relates that he sent messengers of the Levites through Iddo of Casiphia ואשימה בפיהם דברים "and I put words into their mouths,"¹²⁶ without giving us the contents of those words. Why the deep secrecy? But if those words were simply economic reassurances, we can see why Ezra tactfully refrained from publicizing them: in order to avoid the false impression that the learned and pious Levites were drawn to Jerusalem by materialistic considerations.

Our interpretation of the missions of Ezra will help us in determining the meaning of Ezra's official title as "scribe," (סופר) "scribe of the law of the God of heaven" (ספר דתא די אלה שמיא).¹²⁷ Schaefer's definition of the term as "secretary of the state in charge of Judaism"¹²⁸ is possible, but not probable: there is no evidence that such a position existed.¹²⁹ If our theory is correct that Ezra's mission and work were with the Community in Exile, and not with the official state religion, it becomes more probable that he was not a functionary of the Persian Empire.

The Community of the Golah recalls in several respects the professional guilds in Babylonia.

1. The members of the guild occupied special quarters in the city already in the Assyrian period.¹³⁰ Similarly, the Jews lived in separate villages.¹³¹
2. The members of the guilds,¹³² like the Jews in Babylonia, had a common bond religiously and socially.

123 Nehemiah, 8:8. Sherebia, indeed, played an important role in Ezra's story. See Ezra, 8:18,24; Nehemiah, 8:7; 9:4-5; 10:12: etc.

124 Ibid. 10:38.

125 Ibid. 13:10,13.

126 Ezra, 8:17.

127 Ibid. 7:12.

128 H. H. Schaefer, *Ezra der Schreiber*, Tuebingen, 1930, pp. 39-59.

129 A. S. Kapelrud, *Israel* (trans.) Oxford, 1960, pp. 115-116; idem, *The Question of Authorship* (supra n. 77), pp. 27-28; S. Mowinckel, *Studien zu dem Buche Ezra-Nehemiah*, Oslo, 1965, III, p. 121.

130 I. Mendelsohn, "Guilds in Babylonia and Assyria," *Journal of the Oriental Society*, 60 (1940), p. 71.

131 See above, n. 103.

132 David B. Weisberg, *Guild Structure* (see infra. n. 139), pp. 96-98.

3. The government recognized the judicial and administrative independence and autonomy of the guilds.¹³³ The Jews apparently enjoyed a similar autonomy in Babylonia.¹³⁴
4. The affairs of the guilds were conducted by their officials. At the head stood the *aklu* or *rabbu*, meaning president or secretary. In addition, they had other officials too, like *hazzanu* that is, mayor, or chief magistrate.¹³⁵

Jewish tradition, too, places the Resh Galuta at the head of the Jewish Community in Babylonia, already in the time of Jehoiakim or Zerubabel.¹³⁶ The title of the Resh Galuta ("head of the Exile") points to a period when Babylonia was the only significant diaspora, that is, prior to the Hellenistic period.¹³⁷

133 Mendelsohn (supra n. 130), p. 70.

134 See above, n. 102.

135 Mendelsohn (supra n. 130), p. 69; Weisberg (supra n. 132), pp. 87–88, 102; (*hazzanu*), p. 93.

136 *Seder Olam Zuṭṭa*, ed. M. Grossberg, London, 5670–1910 (5720–1960), p. 28.

137 *P. Kilayim*, 9:3, 32b. The tradition tracing the Exilarch to the exilic period, (probably initiated by the Babylonians with Jehoiakim and confirmed by the Persians, with Zerubabel) has been questioned, or even denied by some scholars. However, none of their arguments amount to a refutation.

- (1) L. Zunz, claims that the *Seder Olam Zuṭṭa* (supra n. 136), p. 28, which preserves this tradition, is tendentious in favor of the Exilarchs (*Gottesdienstliche Vortraege*, Berlin, 1832, p. 143), הדרשות בישראל, ירושלים, תשי"ד, 143). עמ' 65–64. But "tendentiousness" may place under suspicion the explanation of an event (as in I Maccabees, 5:63), not necessarily the facts.
- (2) B. Offenheim questions the testimony of the *Seder Olam Zuṭṭa*, on the grounds that it is late (ca. 800) (קרית ספר, ל"ה, תש"ב). But this report is corroborated by another claimant to Davidic ancestry, R. Judah the Prince, ca. 160–200 (*P. Kilayim*, 9:4, 32b), and even by the latter's father, R. Simeon b. Gamliel, ca. 140–160, and perhaps also by R. Johanan b. Zakkai (ca. 90), as we shall see.
- (3) Liver finds the existence of the Exilarchate during the Second Temple period incompatible with the fact that it is not mentioned in contemporary literature (לייור, חולדות בית דוד, ירושלים, תשי"ט). However, the commercial documents (such as the Murashu notes) and the narratives (such as Tobias), had simply no occasion to refer to the Exilarchs.
- (4) J. Neusner argues that Josephus, in his lengthy account of the Asineus episode (*Ant.* XVIII, pp. 310–379), makes no reference to Exilarchs, (*A History of the Jews in Babylonia*, I, Leiden, 1965, pp. 50–58). Since the narrative deals with military matters, the omission of the Exilarch should not be surprising, since he was a purely civil and judicial authority. (See S. W. Baron, *The Jewish Community*, Philadelphia, 1942–5702, I, pp. 146–148; 141–44 עמ' תש"ל, ת"א, ראשית הגולה בבל, מ. בר, 141–44).
- (5) It may be argued, as Neusner does in one place, that the *kamara*, worn by R. Nathan's father (*Horayot*, 13b), may have signified a lower state of office than that of an Exilarch of royal lineage, as claimed by *Arukh* (see *Arukh-Shalem* by R. Nathan of Rome, ed. A. Kohut, New York², VII,

The Resh Galuta's function included, according to talmudic sources, the highest judicial and economic authority as well as the responsibility

p. 127; see also B. M. Levin, *Iggeret R. Sherira*, Haifa, 1921, p. 14, n.h.); Neusner, (supra. sub(4)) pp. 74-76; however, in "Note on KMR," *Journal of American Oriental Society*, 82 (1962), 3, pp. 372-3, he does regard R. Nathan's father an Exilarch). Yet without the *Arukh's* explanation, it is hard to see why the presumably young R. Nathan should have been appointed the Ab Bet-Din of the Sanhedrin, the highest position next to the Nasi, merely because of his father's sash of office, thus superseding greater and older scholars such as R. Akiba's disciples. Incumbency in a Persian office would scarcely influence the choice of an Ab Bet-Din.

- (6) Baron dismisses the Nasi's acknowledgement of the Babylonian Exilarchs' superior Davidic genealogy, as inconclusive, (Baron, supra sub(4) pp. 68-69). Yet this admission by a rival Davidide is reinforced by the fact that the Babylonian Jews kept strict genealogical records from the earliest times (Ezra, 2:59-62; Nehemiah, 7:61), and even in Talmudic times they are considered more reliable than those of the Palestinians (*Qiddushin*, 69b-71b). For "Babylon," from the point of view of family purity, was declared "healthy" (בבלי בריאה) (ibid. 71b). This is especially remarkable, as the Palestinian Jews were wont to look down upon those of Babylonia. (See *Pes.* 34b, *Bezah*, 16a בבלי טפשי, and parallels); also upon their learning, *Sanhedrin*, 24a.
- (7) Another argument is that there is reason to believe that Zerubabel's descendants remained in Jerusalem; and thus could not be Exilarchs in Babylonia. Thus F. Lazarus ("Neue Beitrage Gesch. d. Exilarchats," *Monatsschrift f. d. Geschichte u. Wissenschaft d. Judentums*, 87 (1934), p. 286), points out that I Chronicles, 3:17-24, enumerates the descendants of Jehoia-kim for the next century and a half without mentioning that they were Exilarchs. This argument would be strengthened if the inscription of "Ge'alyahu Ben ha-Melek" found in Beth-zur is identical with Yigael, a descendant of Jehoia-kim of the sixth or fifth century, as A. Albright, *Marx Jubilee Volume*, New York, 1950, p. 66, suggests; and if Elie'enai of the Necropolis of Alexandria is another descendant of Davidic blood, who migrated to Egypt in the Ptolemaic era, as S. Klein (*Monatsschrift*, 77 (1933), pp. 192-95) suggests. Even Anani, "the brother of" Ostanès, of the Elephantine papyri (A. Cowley, *Aramaic Papyri*, Oxford, 1923, n. 30), has been suggested (by Ed. Meyer, *Der Papyrusfund*, Leipzig, 1912², p. 73), as the Davidic descendant of I Chronicles, 3:24. Nevertheless, the possibility remains that some members of the Davidic dynasty returned to Babylonia and established the Exilarchate, as Asaf points out. ש. אסף, תקופת הגאונים, ירושלים, תשט"ו, עמ' כ"ה, הערה 4.
- (8) Lazarus and Liver regard the list of Exilarchs of the Temple days in *Seder Olam Zutta*, as being a confused imitation of Davidic genealogy of I Chronicles, 3:17-24; since most of the names in the two lists are identical, only their relationships to each other are different. But the relations in the Chronicles are plain, and not subject to confusion. Unless, therefore, we insist on accusing the *Seder Olam Zutta* of deliberate forgery or brash ignorance, we may note here a normal recurrence of the names in the two branches of the same family.

As for the confusion of the dates in the Persian era, the *Seder Olam Zutta* shares this with the Talmud and also with the Parthian Chronicles.

to collect taxes. At his disposal stood a consummate bureaucracy,¹³⁸ precisely as in the guilds.¹³⁹

One may note, that the antiquity of the Resh Galuta is made probable by the fact, as Professor C. Rabin suggested to me personally, that the title Resh is typically Persian. Thus in the books of Ezra, Nehemiah and the Chronicles, this term occurs no less than sixty times, whereas in all the rest of the Scriptures less than forty times.¹⁴⁰

But whether the office of the Exilarch stems from an early period or not, we have seen that the Jews in Babylonia—the Golah—constituted a unit. The reading of the Torah by trained “explainers” (מְבַיְנִים)¹⁴¹ seems to have been an established custom. The assumption is therefore not far-fetched that someone was in charge of this educational system. Ezra was a fitting person to head such a system. His admirable performance in Jerusalem makes us suspect that he filled the same function in Babylonia. If so, he may more likely have been the “scribe” of

- (9) Liver is, of course, right that there is no historic support for the Shemuel's identification of “Hezekiah, the King of Judah,” whom R. Johanan b. Zakkai expected after the destruction of the Temple, with the contemporary Exilarch who came (or was brought?) to Palestine and was buried in the valley of Arbaal (Liver, *supra* p. 44, n. 26). Nevertheless, this theory need not be dismissed offhand, (as does also Neusner, *supra* p. 101, n. 1), since it is the best explanation we have of R. Johanan b. Zakkai's expectation. Had he expected the revival of a dead king of 800 years earlier, he would have named David (of 1000 years earlier), the supreme symbol of redemption. In rejecting the antiquity of the Exilarchate, Lazarus believes that it originated in the middle of the second century, and was granted to the Jews as a reward for their fight against Trajan, the enemy of the Parthians in the years after 115, (*supra* pp. 61–62); Neusner (*supra* n. 137(4) pp. 97–100) surmises that though there was some Jewish autonomy in the latter part of the first century, the existence of the Exilarchate is proven only from the post-Bar Kokhba period. Lazarus argues that the Parthian empire was disintegrated in the latter part of the first century, while Neusner believes that Vologases I (pp. 51–79) tried to reorganize the Empire (p. 55) by granting autonomy to the various minorities.

The safest assumption seems to be that, in a genealogy-conscious society, like Babylonian Jewry, (see especially I. Halevy, *Dorot-ha-Rishonim I*, c, pp. 102–105 ff.) it would be well-nigh impossible for someone to suddenly put up a claim of Davidic lineage.

138 F. Lazarus, “Die Häupter der Vertriebenen,” *Jahrbücher für Jüdische Geschichte*, 10 (1890), pp. 131–156; S. Funk, *Die Juden in Babylonien*, Berlin, 1902, pp. 31–39; 189–184 עמ' תרצ"ח, *י. צורי, שלטון ראשות הגולה וישיבות, תל-אביב, תרצ"ח*, (= J.S. Zuri, *Shilton Rashut ha-Golah we-ha-Yeshivot*, Tel-Aviv, 1958, pp. 184–189); J. Neusner, *A History of the Jews in Babylonia*, Leiden, 1966, II, pp. 117–119; 141–44 עמ' מ. בר, ראשות הגולה בבבל, דביר, תש"ל, עמ' 141–44.

139 D. B. Weisberg, *Guild Structure* (n. 108), pp. 86–105.

140 See L. Rost, *Die Vorstufen von Kirche u. Synagoge im Alten Testament*, Stuttgart, 1938, pp. 65–69. See also Weisberg (*supra* n. 132), pp. 43–44.

141 Nehemiah, 8.

the Community of the Golah, rather than of the Persian government. His office would correspond in some way to the "secretary" of the guild.

III

Thus far we have proceeded on the assumption that the religious point of view of the "Sons of the Golah" differed from that of the high priest. But this is a matter of dispute among historians. Some scholars deny that such a division existed.¹⁴² This denial, however, requires that we overlook a series of facts. For centuries the high priests did not hesitate to intermarry with the neighboring nations,¹⁴³ while to the "Sons of the Golah" intermarriage constituted a grave offense.¹⁴⁴ The high priests did not participate in the public readings of the Torah,¹⁴⁵ events which evoked great emotions of joy and repentance on the part of the "Sons of the Golah."¹⁴⁶ They denied tithes to the Levites,¹⁴⁷ while the "Sons of the Golah" made special provisions to insure their collection and distribution.¹⁴⁸ The name of the high priest does not appear among the signers of the Code of Nehemiah.¹⁴⁹ The high priest and the state officials, the *Horim* ("nobles") may have condoned bartering and other work on the Sabbath,¹⁵⁰ which Nehemiah and the "Sons of the Golah" regarded as the sin that had caused the destruction of the First Temple.¹⁵¹ Also, the making of booths on the seventh month, is reported only of the "Sons of the Golah."¹⁵²

The claim that the high priests of the time were merely negligent,¹⁵³

142 Ed. Meyer, *Die Entstehung des Judentums*, pp. 131–132; J. Wellhausen, *Israelische u. juedische Geschichte*⁹, Berlin, 1958, pp. 157–158; Bright, *A History of Israel*, pp. 368–370; M. Noth, *The History of Israel*² (*Gesch. Israel*), London, 1960, pp. 332–333; W. O. E. Oesterley, *A History of Israel*, Oxford, 1932 (1951), pp. 132–135.

143 Ezra, 10:18; Nehemiah, 13:28; *Ant.* X, 303; *ibid.* XII, 160.

144 Ezra, 9:3 ff.; Nehemiah, 10:31; 13:28; *Ant.* XI, 306 ff.

145 Nehemiah, 8:1 ff.

146 *Ibid.* 8:9–12.

147 *Ibid.* 13:10.

148 *Ibid.* 10:38; 13:11–13.

149 *Ibid.* Chapter 10. See שמעון ברנפלד, מבוא ספרותי היסטורי לכתבי הקודש, כרך שני, ירושלים-ברלין, תרפ"ג, עמ. קצ"קבז.

150 Nehemiah, 13:15–19.

151 *Ibid.* 13:18.

152 *Ibid.* 8:14–18. J. M. Grintz, "Parshiyot be-Toledot ha-Kehunah ha-Gedolah," *Zion* 23–24 (1958–1959), pp. 138–140, notes that Ezra-Nehemiah represents the view of the "Sons of the Golah," whereas Chronicles that of the Zadokite high priests.

153 Wellhausen (*supra* n. 4), p. 20; *idem.* *Prolegomena*, Edinburgh (1885), p. 495.

is not convincing. The prophet's condemnation of them cannot be taken as objective evidence. The "negligence" of which they complain,¹⁵⁴ may not have been more than a stubborn adherence to their priestly traditions, a refusal to adopt innovations proposed by the prophets and the "Sons of the Golah." That the priests were motivated by conservatism is attested by their consistency throughout the centuries in never recognizing the validity of the Oral Law,¹⁵⁵ often preferring inconvenience as, for instance, their non-recognition of *Eruv* (the device whereby it was permitted to carry on the Sabbath)¹⁵⁶ and *Heter Nedarim* (rules about the release from vows);¹⁵⁷ they declared *Nizok* (the fluid from which a part was poured on an impure object) as impure.¹⁵⁸ Their laws of impurity, moreover, were stricter than those of the Pharisees.¹⁵⁹

Some biblical scholars hold that the high priest was a syncretist,¹⁶⁰ while the "Sons of the Golah" were monolatrous. The evidence for this view is objectionable on several grounds, as we have seen. The complaint of the princes to Ezra, that the people "have not separated themselves from the people of the land, doing according to their abominations (כתועבותיהם)"¹⁶¹ does not necessarily refer to idolatry, but various kinds of prohibited behavior which were current among gentiles, such as unchastity, eating forbidden food,¹⁶² etc. Besides, we had occasion to note other characteristic differences between the high priests and the "Sons of the Golah," as indicated in the books of Ezra and Nehemiah, such as reading and expounding the Torah in public, the prohibition of carrying and purchasing on the Sabbath, giving tithes to the Levites, and other responsibilities enumerated in the Code of Nehemiah. We may also add the making of booths on the feast of the seventh month.¹⁶³

In order to define the difference between the religious outlook of the high priestly party and the "Sons of the Golah," we need to find the implications of the various activities reported on the latter. These reports throw light on their attitude both to the study and practice of the Torah.

The report of the Golah's public reading of the Torah, reveals their belief that:

154 Malachi. 2:8. ואתם סרתם מן הדרך, הכשלתם רבים בתורה, שחתם ברית הלוי.

155 *Ant.* XVIII, 16; *Sanhedrin*, 33b; *Shebuot*, 14b; *Horayot*, 14a; *Keritot*, 13b.

156 *M. Eruvin*, VI, 1-2.

157 *P. Ber.* 7:2, 11b.

158 *M. Yadaim*, IV, 7, 4:7.

159 *M. Hagiga*, II, 7, 2:7.

160 Ed. Meyer (*supra* n. 22), pp. 119-124; Kittel, *Gesch.* III, 84ff.; M. Smith, (*supra* n. 43), p. 388.

161 *Ezra*, 9:1.

162 See above n. 47.

163 See above notes 145 and 152.

- (a) The obligation to study the Torah was not confined to the [high] priests alone, but was universal for all the people "both men and women, and all that could hear with understanding."¹⁶⁴
- (b) The final authorities on the Torah, at least of its non-cultic aspects, were not necessarily the priests; the readers and expositors at Ezra's meetings were the Levites.¹⁶⁵
- (c) The Torah had to be "understood,"¹⁶⁶ that is to say, it had to be interpreted. Subsequently, these interpretations became known as the Midrash,¹⁶⁷ and constituted one of the two bases of the oral Law.

The books of Ezra and Nehemiah, provide several examples of what the "Sons of the Golah" meant by "understanding" the commands of the Torah.

1. The "Sons of the Golah" extended the prohibition of intermarriage to all gentiles,¹⁶⁸ while the high priest apparently banned only the seven aborigines enumerated in Exodus 34:16 and Deuteronomy 7:4.¹⁶⁹ The reason for this extension may be gathered from Ezra 9:1-2, which relates that the people have adopted the ways of the gentiles as a result of their marriage with foreign wives. The "Sons of the Golah" must have argued then that the Pentateuchal fear that the daughters of the seven nations "may cause thy sons to go astray after other gods," Exodus 34:16, is equally valid for all nations.¹⁷⁰
2. The "Sons of the Golah" prohibited not only actual hard labor on the Sabbath, but also transporting corn and wine and doing business activities¹⁷¹ which were ignored by the high priests and the nobles of the state.

164 Nehemiah, 8:2.

165 Ibid. 8:7-8.

166 Ibid. 8:7-8, 12.

167 בנימין דה־פריס, תולדות ההלכה התלמודית, ת"א, תשכ"ב, עמ' 33-34; מבוא כללי 9-7 לספרות התלמודית, סיני, ת"א תשכ"ו, עמ' 7-9. De Vries explains the threefold activity of the Levites in Nehemiah 8:8 as follows:

(1) מפרש — "distinctly," that is translation and clarification.

(2) ושם שכל — "and they gave the sense," that is, gave reasons and explanations.

(3) וייבינו במקרא — "and caused them to understand the reading," that is, that which is not explicit but inferred with בינה (understanding) from the written words—this is Midrash.

See also H. L. Strack, *Introduction to the Talmud and Midrash*, Philadelphia, 5705-1945, pp. 6, 8-11, 201-203.

168 Ezra, 9:1, ff.; Nehemiah, 10:31. See Y. Kaufmann, *Toledot ha-Emunah ha-Yisraelit*, VIII, pp. 291-293.

169 Ezra, 10:18; Nehemiah, 13:28.

170 See B. Porten, *Archives from Elephantine*, University of California Press, 1968, pp. 249-250.

171 Nehemiah, 10:32, 13:15.

3. The ritual observance of the Torah was not limited to the cultic affairs of the Temple. There were Mitzvot (commandments) to be practiced by all the people in their homes, such as the making of booths on the seventh month.¹⁷²
4. The "Sons of the Golah" enacted rules which are not commanded by the Pentateuch. In the Code of Nehemiah (Neh. chapter 10) they declare: "we made ordinances for us,"¹⁷³ (which in Talmudic parlance are called Takkanot),¹⁷⁴ and then follow a series of obligations which come under the heading of what was later known as *לפנים משורת הדין* "beyond the call of duty,"¹⁷⁵ such as, to contribute annually a third of a shekel to the Temple, to bring the Levitic tithes and the priestly gifts to the Temple for distribution, etc. The object was to ensure the observance of the biblical commands.¹⁷⁶ The banning of intermarriages might come under the heading of *Gezerot* (decrees), whose purpose was what the Mishnah calls *להרחיק את האדם מן העבירה* "to keep a man far from transgression."¹⁷⁷

The outlook of the "Sons of the Golah" may be summed up as follows:

1. The study of the Torah was a universal obligation on all Jews.
2. The Torah had a deeper meaning than the literal one.
3. The Torah included commandments on personal religious behavior, in addition to the cultic ones.
4. The people could and should assume obligations that are not specified in the Torah, in order to assure its proper observance. (As against this the high priests probably cited the verse *לא תוסיפו על הדבר אשר אנכי מצוה אתכם* "Ye shall not add unto the word which I command you.")¹⁷⁸
5. Nehemiah's cancellation of the debts of the poor,¹⁷⁹ may be indicative of the general social and humane outlook of the "Sons of the Golah," an outlook which apparently was not shared by the high priests.

172 Nehemiah, 8:13-18.

173 Ibid. 10:55.

174 See H. (D.) Mantel, *Studies in the History of the Sanhedrin*, Harvard University Press (1961) 1965, pp. 227-231.

175 *Ketuvot*, 97a. See discussion in *ירושלים*, *כך היא דרכה של תורה*, משה זילברג, תשכ"ב, 1962, עמ' 100-118. א.א. אורבך, *פרקי אמנות ודעות חז"ל*, ירושלים, תש"ט, עמ' 290-297.

176 The object of the Nehemiah Code was: *ולא נעזוב את בית אלהינו* "and we will not forsake the house of our God" (Nehemiah, 10:14), that is, the purpose of the various offerings was that the Priests and the Levites should all be able to carry out their functions in the Temple properly.

177 *M. Berakot*, 1:1.

178 Deuteronomy, 4:2.

179 Nehemiah, chapter 5.

IV

At this point we may ask the question: "Was the religious outlook of the "Sons of the Golah" a departure from the past, or a continuation of the previous trend?"

There is a good reason to believe that the embryo, at least, of the rational and humane approach to the Torah and the "covenant" existed already in the days of the First Temple, beginning with Samuel and continuing with Isaiah, Hosea, Amos and Jeremiah.

To the priests in Israel, as to those in Egypt, Babylonia and elsewhere, the sacrificial cult was the supreme religious duty, indispensable to the establishment of good relations with the Deity.¹⁸⁰ On the other hand, Samuel declares "Hath the Lord as great delight in burnt-offerings and sacrifices, as in the hearkening to the voice of the Lord? Behold, to obey is better than sacrifice, and to hearken than the fat of rams."¹⁸¹ Hosea, too, proclaims: "For I desire mercy, and not sacrifice, and the knowledge of God, rather than burnt offerings."¹⁸² Isaiah disparages the value of "the multitude of your sacrifices." Instead, God demands: "Cease to do evil... Seek justice relieve the oppressed."¹⁸³ Even the most meticulous religious observance is meaningless, if accompanied by unethical conduct "making the ephah small, and the shekel great."¹⁸⁴ The literal interpretation of the Torah apparently caused much suf-

180 A. L. Oppenheim, *Ancient Mesopotamia*, Chicago, 1965, p. 181; J. Cerny, *Ancient Egyptian Religion*, London, 1957, pp. 101-118; S. H. Hooke, *Babylonian and Assyrian Religion*, Oxford, 1962, pp. 43-55; R. C. Zaehner, *The Dawn and Twilight of Zoroastrianism*, London, 1961, pp. 162-163; W. Eichrodt, *Theology of the Old Testament* (tr.) London, 1961, I, pp. 217-220.

181 I Samuel, 15:22. להקשיב מחלב אילים. The occasional ethical sayings in the Egyptian and Babylonian religions (J. A. Wilson, *The Culture of Ancient Egypt*, the University of Chicago Press, 1951, p. 120; J. H. Breasted, *A History of Egypt*, New York (1905) 1964, p. 54; H. W. F. Saggs, *The Greatness that was Babylon*, New York, Toronto, 1968, p. 306) do not indicate training for ethical consciousness, certainly not for the people at large. The knowledge and practice of religion in these countries was confined to the kings, nobles and priests (Breasted, *supra* pp. 55-61; S. H. Hooke, *Babylonian and Assyrian Religion*, Oxford, 1962, pp. 43-46). Moreover, such unethical practices were regarded merely as taboo (Saggs, *supra* pp. 306-307). Finally, they were short-lived, showing their lack of rootedness. (Wilson, *supra*, pp. 311-314; Breasted, *supra*, 205 ff.).

The prophetic teachings of Israel, on the other hand, were popularized, committed to writing, read and studied at public gatherings and schools. See my (Heb.) essay on "The State of Religion in Judea and Neighboring Countries during the Babylonian Exile," *The Historical Society of Israel*, Jerusalem, 1971. המציאות הדתית ביהודה וארצות השכנות בתקופת גלות בבל, קובץ הרצאות בכנס השש-עשרה לעיון בהיסטוריה, ירושלים, תשל"א.

182 Hosea, 6:6. ודעת אלהים מעולות. כי חסד חפצתי ולא זבח.

183 Isaiah, 1:11-17.

184 Amos, 8:5-6.

fering, for Isaiah foretells that in the end of the days "They shall not hurt nor destroy in all My holy mountain,"¹⁸⁵ apparently referring to priestly decisions.

In addition to the humane approach, the prophets insisted on a rational one. "For the earth shall be full of the knowledge of the Lord (meaning, His teaching), as the waters cover the sea."¹⁸⁶ Jeremiah also prophesies: "I will put my law (= Torah) in their inward parts, and in their heart (which is the seat of understanding) will I write it."¹⁸⁷

The supreme importance that the prophets attached to these two principles is manifest in the list of qualities that Isaiah ascribes to the ideal king, the Messiah. They are, besides piety and justice, knowledge of God and sympathy with men: "The spirit of knowledge and the fear of the Lord; and he shall not judge after the sight of his eyes, neither decide after the hearing of his ears; but with righteousness shall he judge the poor, and decide with equity for the meek of the land."¹⁸⁸ It seems likely, therefore, that the "shepherds" who, according to Jeremiah, will in the future be "according to my heart, who shall feed you with knowledge and understanding,"¹⁸⁹ are not merely the king and his secular officers,¹⁹⁰ but also the priests. First, because in Israel no separation is made between the secular, political and religious.¹⁹¹ Second, the priests were also officers of the king, whom he could appoint or remove.¹⁹² If knowledge and understanding are necessary in political matters, they are also indispensable in the religious field.

The approach of the priests was apparently different from that of the prophets. Like the priests of Egypt, Babylonia and even Greece, the priests were tradition-bound, literalistic and inflexible.

This difference of opinion persisted after the destruction of the Temple between the disciples of the prophets and the priests, both in Babylonia and then among the returnees to Judah and Jerusalem.

Moreover, Nehemiah's dispute with the nobles of Judah on Sabbath observance¹⁹³ was identical with that of Jeremiah with the kings of Judah. Jeremiah relates that he went to the gates of Jerusalem "whereby the kings of Judah come in and by which they go out," and, addressing the kings of Judah there, he remonstrated with them against the bear-

185 Isaiah, 11:9.

186 Ibid.

187 Jeremiah, 31:22.

188 Isaiah, 11:1-5.

189 Jeremiah, 3:15.

190 J. A. Wilson, *The Culture of Ancient Egypt*, pp. 115, 120, 132-133, etc.; H. W. F. Saggs, *The Greatness that was Babylon*, New York, p. 353.

191 W. Eichrodt, *Theology of the Old Testament*, pp. 74-82.

192 I Kings, 4:2; *ibid* 2:27, 35.

193 Nehemiah, 13:17.

ing of burdens on the Sabbath by the gates of Jerusalem, as well as against the carrying of burdens out of the houses;¹⁹⁴ that is to say, he objected to bartering on the Sabbath.¹⁹⁵ Such activity was, apparently, not regarded as "labor" by the kings and rulers.

Jeremiah then proceeded to plead: וכל מלאכה לא תעשו וקדשתם את יום השבת "Neither do ye work, but hallow the Sabbath day."¹⁹⁶ The phrase וכל מלאכה "any work" refers probably to what the rulers considered permissible, tangential work, later known as שבות, *Shebut* (rules of rest).¹⁹⁷

Nehemiah carried on a dispute on the same two points. He reports that he quarelled with the nobles of Judah permitting work in the wine presses on Sabbath and for transporting food to Jerusalem.¹⁹⁸ As governor (Peḥah), of Judea, Nehemiah closed the debate. "I commanded," he relates, "that the doors (of Jerusalem) be shut, and commanded that they should not be opened till after the Sabbath."¹⁹⁹

The motives of both Jeremiah and Nehemiah were identical. Jeremiah says: "but hallow the Sabbath day,"²⁰⁰ and Nehemiah argues: "what evil thing is this that ye do and profane the Sabbath day."²⁰¹ "Hallowing" and "not profaning" are two sides of the same coin. Applied to the Sabbath, the instructions mean not treating it as an ordinary week-day.²⁰²

Along the same prophetic line, Isaiah²⁰³ describes the Sabbath observer not as one who merely refrains from genuine forms of labor, but as one who שומר שבת מחללו "that keepeth the Sabbath from profaning it." In Isaiah 58:13 the prophet speaks more fully of the proper observance of the Sabbath, both positively and negatively. On the negative side אם תשיב משבת רגליך עשות חפציו ביום קדשי... וכבדתו מעשות דבר, "If thou turn away the foot (i.e., from doing weekday affairs) because of the Sabbath, from pursuing thy business on My holy day," also "and shall honor it, not doing thy wonted ways, nor pursuing thy business, nor

194 Jeremiah, 17:19 f.

195 See Ch. Tchernovitz, *Toledot ha-Halakhah*, III, New York, 1943, pp. 113-117 (=117-113 'עמ', תש"ג, כרך ג', תש"ג, חיים טשרנובין, תולדות ההלכה, נ"י, כרך ג', תש"ג, עמ' 117-113).

196 Jeremiah, 17:22.

197 A. Goldberg, "שבות מדאורייתא במלאכת שבת", סיני מו (תש"ד), קפא-קפט.

198 Nehemiah, 13:17.

199 Ibid. 13:19.

200 Jeremiah, 17:22.

201 Nehemiah, 13:8.

202 See *Shabbat*, 150a-151a. For discussion, see L. Ginzberg, "Eine unbekannte juedische Sekte," *Monatschrift f. d. Geschichte u. Wissenschaft d. Judentums*, 56 (1912), pp. 428-429.

203 Isaiah, 56:6.

speaking thereof.” There is no mention here of not doing real מלאכה “labor”—there was no need for it, since no one disputed that. The prophet’s argument is that refraining from actual labor is not enough, one must refrain also from activities which require chiefly mental concentration on his affairs, “thy business,” and דרכיך “thy wonted ways,” that is, routine needs—and even from דבר דבר speaking about weekday affairs. On the positive side, he says וקראת לשבת עונג, לקדש ד’ מכובד “and call the Sabbath a delight, and the holy of the Lord honorable,”²⁰⁴ that is, to enjoy and to treat it as a festive day.

It is not unlikely, as we have suggested above, that the condemnation of the priests by various prophets is to be understood on the basis of the different approaches they had to the Torah. Ezekiel criticizes the priests that “they have done violence to My law, and have profaned My holy things; they have put no difference between the holy and the common, neither have they taught the difference between the unclean and the clean, and hid their eyes from My Sabbaths, and I am profaned among them.”²⁰⁵

In a similar vein, Malachi condemns the priests: “But ye are turned aside out of the way, ye have caused many to stumble in the law.”²⁰⁶

These expressions may represent nothing more than an honest difference of opinion about the correct interpretation of the Torah. The priests adhered to their traditions, accepted them literally, even if they were irrational and anti-social. The prophets, on the other hand, demanded the application to the Torah of דעה והשכל, knowledge and understanding.²⁰⁷

The same dispute was still alive in the days of Nehemiah. When Nehemiah “contended” with the nobles of Judah for profaning the Sabbath, he said: ויבא אלהינו עלינו את כל הרעה הזאת הלא כה עשו אבותיכם. “Did not your fathers do thus, and did not our God bring all evil upon us, and upon this city?”²⁰⁸ The emphasis on “your fathers,” instead of saying “our fathers,” as is the usual expression, may be significant. The reference seems to be to the official rulers and priests of the First Temple, also entitled Ḥorim (nobles),²⁰⁹ whose refusal to heed the teaching of the prophets of their time was responsible for its destruction.

The answer to the question we have set ourselves in the beginning of this section as to the origin of Ezra’s approach to the Torah, may

204 Isaiah, 58:13.

205 Ezekiel, 22:26.

206 Malachi, 2:8.

207 Jeremiah, 3:15.

208 Nehemiah, 13:18.

209 חורי יהודה “Horim of Judah” are mentioned in I Kings, 21:8,11; Jeremiah, 27:20, 39:6.

thus be found in the words of Jeremiah, who described the exiles to Babylonia as "good figs," while the "bad figs" are those who remained in the land.²¹⁰ The "good figs" are of course the disciples of the prophets. These followers of the prophetic line established the Jewish communities in Babylonia on the basis of the principle that the Torah has to be interpreted humanely with דעה והשכל "knowledge and understanding."

It is this approach to the Torah that the "Sons of the Golah" brought with them to Jerusalem. They were now in a better position than ever before to stand up to the arid views of the priests and nobles.

V

If the "Sons of the Golah" had been deeply imbued with the teachings of the prophets a century and a half after the "good figs" had been exiled to Babylonia, we must infer that the Jewish communities in Babylonia had spiritual leaders who fostered those teachings and established norms of conduct, regularly and consistently. We may therefore inquire whether our scanty sources give us any indication as to the identity of these leaders. There is no justification for assuming that the Levites were the highest authorities. The Levites constituted, according to Nehemiah²¹¹ and the Chronicler,²¹² the educational system, popularizing decisions handed to them from above. But there is no evidence that they originated the contents of their teaching.

Fortunately, Ezra reveals to us the identity of the highest authority of the "Sons of the Golah." In his confessional prayer following the news of intermarriage, he says: "Thou hast commanded by Thy servants the prophets, saying: The land unto which ye go to possess it, is an unclean land through the uncleanness of the peoples of the lands... Now therefore, give not your daughters unto their sons, neither take their daughters unto your sons."²¹³ Some scholars identify these prophets with Moses,²¹⁴ either because the statement consists of a patchwork of phrases and clauses from Leviticus and Deuteronomy²¹⁵ or, according to Kaufmann, because it constitutes a midrashic interpretation of various pentateuchal passages.²¹⁶

210 Jeremiah, 42:4 ff.

211 Nehemiah, 8:7 ff.

212 II Chronicles, 17:8-9.

213 Ezra, 9:11.

214 Batten, *The Books of Ezra and Nehemiah*, p. 335; Rudolph, *Ezra u. Nehemiah*, 92; Bertholet, *Die Buecher Ezra u. Nehemiah*, p. 41; J. M. Myers, *Ezra-Nehemiah*, p. 79.

215 Leviticus, 18:24-30; 20:22 ff.; Deuteronomy, 4:5 ff., 7:1,3; 11:8; 18:9; 23:7.

216 Kaufmann (*supra* n. 26), VIII, p. 293.

The objection to this identification is that none of the references to the Pentateuch made by Ezra and the book of Nehemiah, is said to be taken from the "prophets."²¹⁷ Thus in Nehemiah 8:2 ויביא עזרא הכהן את התורה "And Ezra the priest brought the Law before the congregation,"

Ibid. 8:3 ספר התורה "the book of the Law,"

Ibid. 8:5 הספר "the book,"

Ibid. 8:7 לתורה "to the Law,"

Ibid. 8:8 בספר בתורת האלהים "in the book, in the Law of God,"

Ibid. 8:9, 13 דברי התורה "the words of the Law,"

Ibid. 8:14 בתורה "in the Law,"

Ibid. 8:18 בספר תורת האלהים "in the book of the Law of God,"

Ibid. 9:3 בספר תורת ד' אלהיהם "in the book of the Law of the Lord their God,"

Ibid. 10:30 בתורת האלהים אשר נתנה ביד משה "in God's Law, which was given by Moses,"

Ibid. 13:1 בספר משה "in the book of Moses."

Zer-Kavod believes that the reference is, in addition to Moses, also to Jeremiah, Micah, and Ezekiel.²¹⁸ Rudolph²¹⁹ includes Hosea.²²⁰ However, none of these prophets mentions the prohibition against intermarriage. Also, what they speak of, is pollution by Israel.²²¹ Ezra's prophets speak of "the uncleanness of the peoples of the lands," that is of gentiles.²²²

The correct solution is offered by Ehrlich: that the references are to prophets whose words have not come down to us in writing.²²³

We can easily determine also the time and place of these prophets. Three conclusions may be drawn from their statement that: "The land, unto which you are going to possess it, is an unclean land, through the uncleanness of the peoples of the lands."²²⁴

1. The statement was made outside Palestine.

2. Most of its inhabitants at the time were gentiles.

3. It was addressed to Jews who were about to immigrate there.

These prophets then flourished in Babylonia, some time after 538 B.C.E. The implication of the brief quotation is this: Although the land is holy,

217 A. B. Ehrlich, *Randglossen zur Hebraeischen Bibel* (Leipzig, 1914); Hildesheim, 1968, VII, p. 178 (=414 עמ' תר"ס, ברליון, כרך ב', מקרא כפשוטו, 414).

218 Zer-Kavod (supra n. 44), p. 80; Leviticus, 18:24-28; Deuteronomy, 9:4; Jeremiah, 2:7; Ezekiel, chapters 22,23 and 36; Micah, 2:10.

219 Rudolph (supra n. 28), p. 93.

220 Hosea, however, does not speak of the impurity of the land, only of the people.

221 Thus, Jeremiah, 2:7 (ותטמאו את ארצי).

222 Ezra, 9:11.

223 Ehrlich (supra n. 217), p. 178 (= 414 עמ' כפשוטו, 414).

224 הארץ אשר אתם באים לרשתה.

it has been settled by gentiles, who have made it impure by reason of their abominations. Therefore, even though the biblical proscription of intermarriage does not apply to these nations,²²⁵ we should separate ourselves from them, and thus keep ourselves pure, and thereby purify the land.

Our conclusion is, that the religious authorities of the Babylonian Jews were prophets. This conclusion is confirmed by a tradition recorded in the Mishnah. The rule that the Jews in Babylonia separate second tithes in the sabbatical year, is called "an ancient work" (i.e., ordinance) and the "work of the prophets."²²⁶ This ruling was therefore issued, as we said, before the end of the prophetic era,²²⁷ at a time when there was a large Jewish population in Babylonia.²²⁸ Thus the supreme authorities of the Jews in the Babylonian and Persian periods were prophets.²²⁹

VI

The dispute of the community of the Golah and the high priest did not end with the Persian era. The names of the disputants changed, but the dispute continued in the Hellenistic, the Hasmonean and the Roman periods, till the destruction of the Second Temple. The high priest and his followers became known as Sadducees and Boethuseans. The community of the Golah became first the Ḥasidim of the Maccabean era²³⁰ and then the פרושים, Pharisees.

Historians disagree as to the principles that characterized the Sadducees and Pharisees. Geiger thinks that they were essentially political parties, aristocratic and democratic, respectively.²³¹ Wellhausen regards the Sadducees as secularists, while the Pharisees were the Scribes.²³² To Hoelscher, the Sadducees were nothing but Romanophiles, cultural-

225 The pentateuchal prohibition in Exodus, 34:11-16. Deuteronomy, 7:1-3, apply only to the seven aborigines; and these had disappeared by the time of Ezra.

226 *M. Yadaim*, 4:3.

227 See *Seder Olam Rabbah*, chapter 30, ed. B. Ratner, New York, 1966², p. 140.

228 This excludes the pre-exilic period, prior to 597 B.C.E.

229 Similarly in Judah. See my chapter on "The Period from Ezra to the Maccabees," in the *World History of the Jews*, vol. 5.

230 I Maccabees, 2:42. According to some scholars, the Ḥasidim became Essenes.

231 A. Geiger, *Urschrift*², 1928², pp. 133 ff. (= ירושלים, תש"ט, המקרא ותרגומו, עמ' 69 והלאה).

232 J. Wellhausen, *Die Pharisäer u. d. Sadducaer* esp. pp. 8-56; E. Rivkin ("Defining the Pharisees: the Tannaitic Sources," *HUCA*, 40-41 (1969-1970), pp. 205-249), also defines the Pharisees as a group of scholars. His reason for the denial of Josephus' plain statement that the Pharisees constituted a sect like

ly and religiously.²³³ Halevy thinks the Sadducees were Hellenists pure and simple.²³⁴ Leszynsky denies that the Sadducees were limited to the priests; their objection to the Pharisees was that they considered the customs as part of the Torah.²³⁵ Finkelstein suggests that the Sadducees were the high priests, whose policy was to interpret the commandments of the Torah in conformity with their interests.²³⁶

Zeitlin thinks that the main issue between the two parties was the divinity of the Oral Law, the Sadducees denying it; though he admits that the Pharisees sought to modify the pentateuchal laws, to suit the needs of the times.²³⁷

The sources make it abundantly clear that the disputes between the two parties were on religious beliefs and practices,²³⁸ with both parties now taking the strict, now the lenient, view.²³⁹ Moreover, we may detect two principles that underlay their various differences.

1. The Sadducees and Boethuseans were the priestly party, to whom the Temple cult was of supreme importance.²⁴⁰ To the Pharisees the religious life of the individual, whether priest or layman, was

the Essenes, is that in tannaitic literature the term *Perushim* signifies "heretics" or "ascetics." But in the postdestruction era the Pharisees were no longer a sect, they became synonymous with Judaism. No wonder, therefore, that the usage of the word "Perushim" changed. It is for the same reason that its antonym, "Am-ha-Aretz," also changed. (See Berakot, 47b.)

That the term "Perushim" did not signify scholars may be shown in an indirect way. The term "Pharisees" is identical with "Sons of the Keneset," since their standard of purity is the same, namely, one degree less strict than that of the priests (cf. *M. Hagigah*, 2:2, with *M. Zabim*, 3:2). That "The Sons of the Keneset" were not scholars, is evident from *M. Bekorot*, 5:5, where R. Jose insists on the verdict of an expert (*Mumheh*), and disqualifies the opinion of "even twenty-three" Sons of the Keneset. See H. (D.) Mantel, *The Nature of the Great Synagogue*. *Harvard Theological Review*, 60 (1967), pp. 60-91 = ח. ד. מנטל, "טיבה של הכנסת הגדולה", דברי הקונגרס העולמי הרביעי למדעי היהדות 88-81 עמ' 1, תשכ"ו.

233 G. Hoelscher, *Der Sadducaeismus*, 1906.

234 I. Halevy, *Dorot ha-rishonim*, Frankfurt, a. M. 1906, Ic. pp. 358 ff.

235 R. Leszynsky, *Die Sadducaeer*, Berlin, 1912, pp. 16, 96, 134.

236 L. Finkelstein, *The Pharisees*, Philadelphia, 1962-5723, pp. 101 ff.

237 S. Zeitlin, *The Rise and Fall of the Judaeae State*, Philadelphia, 5722-1966, pp. 176-182.

238 *M. Yadaim*, 4:6-8; *M. Sanhedrin*, 10:1; *Sanhedrin*, 90a-b, etc. See also n. 240.

239 For the restrictions of the Sadducees, see notes 156-159.

240 *Tos. Parah*, 3:7-8, ed. Zuckerman, p. 632; *Tos. Kippurim*, 1:8 (p. 181), ed. Lieberman, pp. 222-223 (= *Yoma* 19b); *Tos. Hagiga*, 3:35, (p. 238), ed. Lieberman, p. 394 = *P. Hagiga*, 3:8, 79d. See also *Ant. XIV*, 65-67, and *Megillat Ta'anit*, HUCA, VIII-IX (1931-1932), p. 338 (82) (שהיה משה אהב) (את אהרן). See also above notes.

of the essence of religion;²⁴¹ and they gave priority to the study of the Torah over the cult.²⁴²

2. The Sadducees were dogmatists,²⁴³ whereas the Pharisees were reputed for their skill as exegetes, who combined reason and text of the Torah;²⁴⁴ they also issued many ordinances "for the improvement of society."²⁴⁵ The final authorities of the Pharisees were the scholars; the role of the priests was merely formal.²⁴⁶

These differences, we have seen, were the same principles that divided the "Sons of the Golah" from the high priests in the Persian era. Indeed, the nuclei of this dispute may perhaps be traced to the days of the First Temple.

The sect whose scrolls were discovered in the caves near the Dead Sea, probably identical with the Essenes, appears to have made a synthesis between the two chief parties. On the one hand, they accepted the Zadokite high priests as the legitimate authorities, at least formally, and joined to them the other members of the sect in making decisions.²⁴⁷ On the other hand, they resorted to some extent to the biblical exegesis; they had Gezerot (as the prohibition of moving tools on the Sabbath),²⁴⁸ but not Takkanot (as Eruvin, which enable carrying and travelling on the Sabbath).²⁴⁹

241 *Bell. J. II*, 8, pp. 162–165; *Ant. XVIII*, pp. 12–15.

242 *M. Abot*, 6:5, (גדולה תורה יותר מן הכהונה ומן המלכות).

243 *Ant. XVIII*, 16 "They own no observance of any sort apart from the laws." See, especially, Leszynsky, *Die Sadducaeer*, pp. 23 ff., 30 ff., 163m, 176, 202.

244 *Ant. XVIII*, 12. See also L. Finkelstein, *The Pharisees*, I, pp. 101 ff.

245 See Mantel, *Studies in the History of the Sanhedrin* (1961), 1965, Harvard University Press, pp. 227–230.

246 Sifra, Tazria, Parshat Negaim I, 9, 1:9, p. 60 = *P. Pesahim*, 6.1, 33a. (חכם שבִּישְׂרָאֵל רֹאֵה אֶת הַנִּגְעִים וְאֹמֵר לְכוּהֶן, אֵף עַל פִּי (שֶׁהוּא) שׁוֹטֵה, אִמּוֹר "טִמְאָ", וְהוּא אֹמֵר "טִמְאָ"; אִמּוֹר "טְהוֹר", וְהוּא אֹמֵר "טְהוֹר").

247 אצל א. מ. הברמן, מגילות מדבר יהודה, תשי"ט, V, 3–2 מגילת הסרכים (1959, עמ' 64) על פי בני צדוק הכהנים שומרי הברית, ועל פי רוב אנשי היחד המחזיקים בברית. "According to the Sons of Zadok, the priests... and according to the majority members of the community..." Also, *ibid.* pp. 21–22 ועל 22–21. "according to the decisions of the Sons of Aron and the majority of Israel," Haberman (n. 247), p. 65. See also M. Burrows, *The Dead Sea Scrolls*, New York, 1955, pp. 377–379, and D. Dupont-Sommer, *The Essene Writings from Qumran*, Cleveland, — New York (French ed. 1959) 1961, pp. 82–84. For further references, see A. M. Haberman, n. 247. Concordance under s.v. בני צדוק. For discussion, see Y. Licht, ירושלים, תשכ"ה, 115–110 עמ'.

248 *Bell J. II*, 147, "they do not venture to remove any vessel." As against this, the Pharisees lifted gradually the original prohibition, until only three vessels remained prohibited. See *Shabbat*, 123b; *P. Shabbat*, 12:1, 16a.

249 *The Damascus Document*, 11:7–8, חוץ וּמִן הַחוּץ, ed. Burrows, XIII, p. 360; ed. Dupont-Sommer, 11:7–8, p. 153. They

apparently referred to the Pharisees, who used the device of Eruv to permit carrying on the Sabbath as בוגדים "traitors" or "rebels," who violated His holy Sabbath ויחללו את שבת קודשו, *Commentary on Habakkuk*, II, 3-4, ed. Haberman (supra n. 247), p. 43; though other scholars read שם instead of שבת (Sabbath). They denied not only ערובי חצרות, permitting the moving of objects into and within the courts, but also ערובי תחומין making possible the trespass beyond the Sabbath limits. They simply say: אל יתהלך איש חוץ לעירו אך על אלף באמה ("Let no man walk further than a thousand cubits outside his town"). *The Damascus Document*, 10:21, ed. Haberman (supra n. 247), p. 84; ed. Dupont-Sommer, p. 152; ed. M. Burrows, XIII, p. 360. For discussion, see Y. Yadin ידיו, מגילת מלחמת בני אור בבניך חושך; ירושלים, תשכ"ז, עמ' 68-69 (= *The Scroll of the War of the Sons of Light*, Oxford University Press, 1962, pp. 74-75).

THE DIALOGUE OF PAGANISM WITH JUDAISM: BAR COCHBA TO JULIAN¹

JOHN G. GAGER
Princeton University

The suppression of the Bar Cochba revolt in 135 A.D. marks the critical turning point in relations between pagans, Christians, and Jews in the Empire. But it was in the physiognomy of Judaism and in the character of relations between Jews and pagans that the events leading up to 135 left perhaps their deepest impression. Jerusalem had become a pagan city (Aelia Capitolina) and was totally forbidden to Jews. Hadrian's prohibition of circumcision and other observances remained in effect, and a reorganized province (Syria Palaestina) was created with two full legions as occupying forces.² Dio Cassius reports Jewish casualties at 580,000 and describes Judea as almost totally desolated:

The number of those who died from hunger, sickness and fire is beyond calculation. The whole of Judea was almost like a desert, as had been predicted before the war. For the tomb of Solomon, which they revere highly, collapsed by itself and many wolves and hyenas entered their cities and howled (69.14).

In terms of religious and political activity, Galilee replaced Judea as the heart of Palestinian Judaism.³ The office of patriarch emerged as the central figure not only in Palestine but in relations with the Diaspora and official Rome as well.⁴ An indication of how significant this new

1 For a discussion of the sense in which I use the term "dialogue," see below pp. 25 ff. On the period as a whole see J. Parkes, *The Conflict of Church and Synagogue* (1934); S. Baron, *A Social and Religious History of the Jews*, vol. II: *Christian Era—The First Five Centuries* (1958²); M. Avi-Yonah, *Geschichte der Juden im Zeitalter des Talmud* (1946; ET 1962); and M. Simon, *Verus Israel* (1964²).

2 Avi-Yonah, *Geschichte* pp. 41-43, notes that the change in status of the province to consular rank meant that the governor had to be of the senatorial class and thus more experienced in administrative and political matters than the procurators of the first century.

3 So Avi-Yonah, *Geschichte* pp. 16-32, and Baron, *Social History* II pp. 122-128.

4 On the office of the patriarch see J. Juster, *Les Juifs dans l'empire romain*, vol. I (1914) pp. 391-400; Avi-Yonah, *Geschichte* pp. 52-70; E. E. Urbach, "Class-Status and Leadership in the World of the Palestinian Sages," in *Proceedings of the Israel Academy of Sciences and Humanities*, vol. 2 (Jerusalem,

office could be is the series of references in talmudic sources to the friendship between a ruler called Antoninus and "Rabbi," the patriarch Judah I (c. 170–210 A.D.).⁵ M. Avi-Yonah sorts the passages into four categories: (1) historically reliable material, (2) legends, (3) anecdotes, and (4) remains of a philosophical-theological treatise.⁶ In the first category he identifies certain discussions between Antoninus and Judah in Palestine (Caesarea) concerning a revolt in Egypt, a statement of the emperor's desire to elevate Tiberias to the status of colony, his use of the wealthy patriarch's breeding cattle to improve his own herd, letters exchanged by the two, and finally Antoninus' gift to Judah of an inscribed golden candelabra. The other categories contain patently apocryphal material, such as accounts of Antoninus' conversion. The identity of the ruler has been a matter of considerable speculation.⁷ Antoninus Pius, Commodus, Marcus Aurelius, Septimius Severus, Caracalla, and Heliogabalus all bore the name of Antoninus and have been proposed as candidates. The consensus of recent scholarship favors the Severan emperor Caracalla, whose qualifications in all respects are undisputed (see below pp. 7 f.).⁸

We might be tempted to dismiss the entire idea of the friendship between Antoninus and "Rabbi" as the product of wishful thinking were it not for the similar relationship between the rhetor Libanius, a friend and advisor to Julian, and the Jewish patriarch Gamaliel V (c. 359–390).⁹ Several of Libanius' letters have survived, dating from 388–393. Although they convey practically no specific information, they reveal that the two maintained regular contacts, not just about official matters but on numerous other matters of mutual concern. They also show that the patriarch corresponded with other leading figures of the time and that his son spent a period of study under Libanius. Unfortunately there is little information about relations of other patriarchs with Rome.¹⁰ But

1968) pp. 48–74; and the convenient summary of R. Syme. "Ipse Ille Patriarcha," in *Historia-Augusta-Colloquium: 1966/67* ("Antiquitas," Reihe 4, vol. 4: 1968) pp. 123–125.

5 On the subject as a whole see the discussions and literature cited by Avi-Yonah, *Geschichte* pp. 38–41; Simon, *Verus Israel* p. 130; Baron, *Social History* II p. 189, esp. n. 19. The relevant talmudic passages have been collected and discussed by S. Krauss, *Antoninus und Rabbi* (1910). Krauss identifies Antoninus as Avidius Cassius, the rebellious general under Marcus Aurelius.

6 *Geschichte* p. 38 f.

7 For a survey of recent attempts see Baron, *Social History* II p. 100, n. 19.

8 So Simon, *Verus Israel* p. 130, n. 1.

9 See the extensive discussion in M. Schwabe, "The Letters of Libanius to the Patriarch of Palestine," (Hebrew) *Tarbiz* I, n. 2 (1930) pp. 85–110. Gamaliel enjoyed considerable status with Theodosius I. According to Jerome, the emperor executed Hesychius, a former consul, because he had stolen some of the patriarch's personal papers (*ep.* 57.3).

10 The last patriarch, Gamaliel VI, held office when Theodosius II removed

these two instances make it clear that the dialogue between paganism and Judaism depended heavily on the skill and tact of each succeeding patriarch. The empire in turn recognized the importance of the office by granting honorific titles to the incumbents. The *Codex Theodosianus* refers to the patriarchs as *viri clarissimi et illustres* (16.8.8) and indicates that they also held the honorary office of *praefectura* (16.8.22). The titles were removed by Theodosius II in 415, but their origin is undoubtedly much earlier.¹¹

But what of the Roman view of Judaism? Even granting the exaggerations of Dio's casualty figures, the impact of the wars (70 and 135) should not be underestimated. There is ample evidence that Rome regarded them as major events—the *Judaea capta* coins issued under Vespasian and Titus, the commemorative arches of the same emperors, the drastic political measures of Hadrian, and finally Dio's report that after the war in 132–135 Hadrian dispensed with the customary formula, "I and the army are well," when he wrote to the senate.¹² Among Roman authors, the memory of the war in 66–73 lingered for years.¹³ Tacitus, in his account of the war, accuses the Jews of harboring a bitter hatred of all men and rails against their separatism (*Hist.* 5.5). The same themes appear in the speech of the philosopher Euphrates to Vespasian just after the war:

all legal power from the patriarch (*Cod. Th.* 16.8.22). He is mentioned by the medical writer Marcellus as the author of a remedy for a disorder of the spleen (*De med.* 23.77). The biography of Bonasus in the *Historia Augusta* mentions *ipse ille patriarcha* who "when he comes to Egypt is forced by some to worship Serapis and by others to worship Christ" (8.4). Syme, "Ipse Ille Patriarcha" 122–130, regards this passage as an anachronistic allusion to the same Gamaliel; cf. also Juster, I pp. 394, 404 f.

11 See the discussion in Juster, I pp. 396 f., and Avi-Yonah, *Geschichte* pp. 229–231.

12 Dio 69.14; cf. also 65.7 where he reports that Titus and Vespasian refused the title *Judaicus* following the war in 66–73.

13 See J.-A. Hild, "Les juifs à Rome devant l'opinion et dans la littérature," *REJ* 11 (1885) pp. 18–59, 161–194, and H. Leon, *The Jews of Ancient Rome* (1960) pp. 20–43. On the general subject of the Jews in Greek and Roman authors see the incomplete but still indispensable collection of Th. Reinach, *Textes d'auteurs grecs et romains relatifs au judaïsme* (1885; repr. 1963); cf. the review of Reinach by H. Willrich in *Philologische Wochenschrift* 15 (1895) pp. 987–989. For further literature see M. Radin, *The Jews among the Greeks and Romans* (1915); I. Heinemann, "The Attitude of the Ancient World Toward Judaism," *Rev. Relig.* 4 (1910) pp. 385–400; N. Bentwich, "The Graeco-Roman View of Jews and Judaism in the Second Century," *JQR* (1932–33) pp. 337–348; V. Tcherikover, *Hellenistic Civilization and the Jews* (ET 1959); G. Delling et al., *Bibliographie zur jüdisch-hellenistischen und inter-testamentarischen Literatur: 1900–1965* (1969), especially the literature cited on pp. 20–24, 30–32; and J. Gager, *Moses in Greco-Roman Paganism* (1972).

For these people have for a long time rebelled not only against the Romans but against all men. By their unsocial way of life and their refusal to have anything in common with others, whether food, libations, prayers or sacrifices, they are more removed from us than Susa, Bactria or the Indians beyond.¹⁴

Given these precedents, it comes as something of a surprise to find no similar reaction among Romans to the war of 132–135. The only surviving literary reminiscence of the feelings generated by this conflict is a brief remark of Fronto, the friend of Marcus Aurelius: "During Hadrian's reign, how many soldiers fell to the Jews, how many to the Britains!"¹⁵ Of course we may simply be victims of sources long since disappeared. But there is some evidence to suggest that there was no reaction, at least in official and intellectual circles, like that which followed the war of 66–73. On the contrary, when we examine the policy of Hadrian's successors, beginning with Antoninus Pius, but especially under the Severans (193–235) and Julian (360–363), it is apparent that a remarkable change of tone had occurred in the dialogue between paganism and Judaism. The new atmosphere is apparent in Dio's digression on the Jews which precedes his account of Pompey's exploits in 63 B.C.

I do not know the origin of this name (Jews), but it is applied to all men, even foreigners, who follow their customs. This race is found among Romans. It has frequently been persecuted but has prospered nonetheless and has finally succeeded in winning the right of religious freedom. They differ from other men in all things concerning daily life. Above all, they worship none of the other gods but reserve great honor for one god. Since they regard him as ineffable and invisible they have no images in Jerusalem and worship him more zealously than all men. They built a great and beautiful temple to him which had neither covering nor roof. They dedicate the day of Saturn to him. On that day they perform special duties but accomplish no serious work. Everything concerning this god, his nature, the origin of his cult and the fear he inspires in them had been discussed by many authors . . . (37. 9–11).

The tone of the passage is significant for its combination of neutrality, accuracy, and even a certain admiration for the Jewish cult. The memory of the earlier hostilities has all but disappeared.

The New Policies on Judaism

The new era began with the accession of Antonius Pius (138–161). Antonius soon modified Hadrian's universal prohibition of circumcision

14 Philostr., *Vit. Apoll.* 5.33; cf. the similar sentiments attributed to Apollonius of Tyana in 5.27.

15 *De bello parth.* 2.

to allow the Jews alone to resume the practice: "A rescript of the divine Pius permitted the Jews to circumcise their own sons. But if anyone performs it on those not of the same religion (i.e. by birth) he is punished under the code of castration" (Justinian, *Dig.* 48.8.11 [Modestinus]). In this we see both sides of the new Roman policy: on the one hand to grant freedom of religious observance and on the other hand to control the situation by arresting proselytism.¹⁶ Ultimately the effort seems to have been largely ineffectual.¹⁷ Proselytism and even circumcision continued long after Hadrian, and Septimius Severus' renewal of legislation against proselytism is but further evidence of the policy's failure.¹⁸

Apart from this relaxation in favor of Judaism, we hear nothing further under Antoninus. About Marcus Aurelius (161–180) there is only one piece of second- or third-hand information, the reliability of which is somewhat suspect. Ammianus Marcellinus reports that the emperor Julian applied a saying to dissident Christian groups which originated with Marcus,

As he [Marcus] was passing through Palestine on his way to Egypt he was overcome by the malodorous and tumultuous character of the Jews and is reported to have exclaimed in sadness, "O Marcommani, O Quadi, O Sarmati [barbarian tribes in the region of the Danube where Marcus had fought several campaigns], at last I have found a people more unruly than you" (22.5).

From the time of Commodus (180–193) there is no direct information at all.¹⁹ It can be assumed that whatever the personal opinions of these two emperors, the *entente cordiale* established by Antoninus continued during their reigns. This assumption is supported by a comment of the Roman lawyer Modestinus to the effect that Marcus Aurelius and Commodus admitted Jews to public offices with responsibility over non-Jews and also provided that they (the Jews) would not be required to perform duties that might offend their beliefs (Justinian, *Dig.* 27.1.15.6).

Under the Severans, however, there is an abundance of information. Jerome says that Septimius Severus (193–211) and Caracalla (198–217)

16 Roman citizens who underwent circumcision were sent into exile or put to death depending on social rank; cf. E. Mary Smallwood, "The Legislation of Hadrian and Antoninus Pius Against Circumcision," *Latomus* 18 (1959) pp. 334–347.

17 So Simon, *Verus Israel* pp. 133–135 and Juster, I pp. 266–271.

18 *Hist. Aug. Sept. Sev.* 17.1: *Judaeos fieri sub gravi poena vetuit.*

19 Simon, *Verus Israel* p. 130 n. 6, points to P. Oxy. 1242 (n. 157 in *CPI* II) as evidence of official attitudes toward Jews in the second and third centuries. The papyrus recounts a trial before Trajan in which his wife Plotina intercedes for the Jews (col. 2, lines 26–37) and the Greeks complain that the emperor's council is filled with Jews (col. 3, lines 41–50).

"regarded the Jews most highly" (*Comm. in Dan.* 11.34). The *Digest* of Justinian reports that "the divine Severus and Antoninus (Caracalla) permitted those of the Jewish superstition to obtain public offices and imposed upon them such formalities as would not offend their superstition."²⁰ The *Historia Augusta* contains numerous instances of pro-Jewish sympathies among the Severans. As a young boy Caracalla is said to have held a grudge against his own father and the father of a playmate who "had been seriously punished because of his Jewish religion" (*Cara.* 1.6). The bizarre Heliogabalus ordered Jews, Samaritans, and Christians to transfer their cults to the Palatine hill as subordinate elements in a single religion dominated by the Syrian god Elagabalus (*Elag.* 3.5). Dio reports that the emperor had himself circumcised, probably in imitation of Syrian rites, and that he abstained from pork (79.11.1-2). The strange statement that he occasionally displayed ostriches at banquets, because "the Jews had been commanded to eat them,"²¹ may stem from a textual error. In fact the ostrich is among the forbidden foods in Lev. 11.16 and Deut. 14.15. Somewhere in the process of transmission the negative has dropped out. If we assume that Heliogabalus, or the author, was properly informed about the biblical regulation, the sense of the passage would be that the emperor displayed his erudition in religious matters by pointing out to his guests that the Jews were commanded *not* to eat ostriches.

The biography of Alexander Severus (222-235) contains several references to his pro-Jewish sympathies. His attitude apparently earned him the unflattering title of "Syrian archisynagogus" (*Sev. Alex.* 28.7).²² He "respected the religious freedom of Jews and tolerated Christians" (*ibid.* 22.4). Remarkably, he is said to have included busts of Abraham, Apollonius of Tyana, Christ and Orpheus in his palace shrine (*ibid.* 29.2). In politics he followed the practice of Christians and Jews in announcing the names of candidates for important public offices prior to their appointment (*ibid.* 45.7). Lastly, he used a form of the golden rule as a model in dispensing punishment:

He often pronounced what he had heard from some Jews or Christians and had never forgotten. He also had it spoken by a herald whenever he issued a warning. "What you do not wish to be done to you do not do to others (*quod tibi fieri vis, alteri ne*

20 *Dig.* 50.2.3. (Ulpian); see the discussion and references to further literature in Baron, *Social History* II p. 110, esp. n. 26.

21 *Ant. Elag.* 28.4: *struthiocamelos exhibuit in cenis aliquotiens, dicens praeceptum Iudaeis ut ederent*; cf. Reinach, *Textes* p. 348, n. 1.

22 See the discussions of A. Momigliano, "Severo Alessandro Archisynagogus," *Athenaeum* 12 (1934) pp. 151-153 and Leon, *The Jews of Ancient Rome* pp. 162-165.

feceris)." So highly did he value this precept that he ordered it to be inscribed in the palace and in public buildings (51.6–8).²³

A final piece of information from the *Historia Augusta* concerns, oddly enough, the death of Moses. In lamenting the brief reign of Claudius (268–270), the author cites the following anecdote:

The most learned astrologers have asserted that one hundred and twenty years have been given to man for living and that none has been granted more. But they add that Moses alone, the friend of god (*familiarum dei*) as he is called in the books of the Jews, lived one hundred and twenty-five years. When he complained that he was dying young it is said that an answer was given him by an unknown deity (*ab incerto numine*) that no one would ever live longer (Claud. 2.4–5).

The passage obviously raises several difficulties, the most puzzling of which is the age of Moses. The Jewish tradition, biblical and non-biblical, is unanimous in giving Moses' age at his death as one hundred and twenty. Why should the author have chosen Moses as the one person to receive the honor of outliving the maximum age set by the wise astrologers?²⁴ Where did he learn of Moses' reluctance to die? This is not a biblical motif, but it does occur in later Jewish writings. The midrash *Peṭirat Mosheh* ("Death of Moses") includes a story about Moses' unsuccessful efforts to delay the fateful hour of his death,²⁵ and the same motif appears in the targum Ps.-Jonathan to Deut. 32 and in the *Aboth of Rabbi Nathan* ch. 12.²⁶ Somehow, probably by oral report, a version of this motif found its way into the *Historia Augusta*. Taken together with the other references in the Severan biographies to Jewish beliefs and practices, this allusion to a strictly midrashic tale clearly

23 Compare the burial inscription from Solona which stood as a warning against disturbing a tomb site: *quot sibi fieri non vu[lt]facere non debet*. The inscription was first published by G. Gabricevic in *Atti del 3. congresso internazionale di epigrafia* (1959) pp. 77–80. Cf. also S. Panciera, "Comunità religiose e formule funerarie solonitane," *RivArchCrist* 35 (1959) pp. 81–86 and the remarks of A. Ferrua, who regards the inscription as pagan, on p. 255 of the same journal. On the golden rule as a common ethical maxim in Greco-Roman culture see A. Dihle, *Die goldene Regel* (1962) and J. Straub, *Heidnische Geschichtspolitik in der christlichen Spätantike* (1963) pp. 106–125, who devotes a chapter to our passage.

24 For a rather different view of the passage see R. Syme, "Ipse Ille Patriarcha," who asks why the author chose the figure of 125 rather than 120 and answers "perhaps this too may be play" (p. 127).

25 On the *Peṭirat* see M. Abraham, *Légendes apocryphes juives sur la vie de Moïse* (1925) pp. 28–45, 93–113. Abraham dates the midrash in its present form to the seventh century A.D.

26 Cf. L. Ginzberg, *Legends of the Jews* (1947) V p. 71 and VI pp. 46, 161.

indicates that the author, or his sources, had access to information that went far beyond what most pagans knew of Judaism.²⁷

Thus far in our consideration of the Severans we have relied mainly on the *Historia Augusta*, a series of biographies covering the period from 117–284. However, on virtually every critical problem relating to the *Historia* (date, authorship, sources, and purpose), major disagreements exist.²⁸ Recently there has been a tendency to question its reliability, not least as concerns the attitude of the Severans toward the Jews.²⁹ A. Momigliano has proposed the view that the *Historia* represents the opinions of the circle which produced the work, i.e., “the official pagan attitude toward the Jews in the fourth century,” rather than of the emperors themselves.³⁰ J. Straub, on the other hand, has maintained that the *Historia* was written as a pagan plea for tolerance from the Christian state.³¹ In this case, however, we might well expect to find reflections of “official” Christian hostility toward Jews around 400. Instead we find a sympathetic attitude throughout. More specifically, Straub’s view fails to account for the fact that references to the Jews occur almost exclusively in the biographies of the Severans.³² Thus without denying the partial validity of Momigliano’s comment, I would maintain that in this case the *Historia* reflects Severan attitudes in

27 Cf. the list of parallels mentioned by M. Hadas in his article, “Rabbinic Parallels to Scriptores Historiae Augustae,” *ClassPhil* 24 (1929) pp. 258–262.

28 See the recent volumes emanating from the *Historia-Augusta Colloquium* in Bonn, under the editorship of J. Straub; cf. also R. Syme, *Ammianus and the Historia Augusta* (1968). For a convenient summary of the critical issues and references to recent literature see the article of A. Momigliano in *The Oxford Classical Dictionary* (1970²) pp. 520 f.

29 On the claim that Alexander Severus included statues of Abraham and Christ in his private chapel see W. Schmid, “Bildoser Kult und christlicher Intoleranz,” *Mullus* (Festschrift Th. Klauser: 1964) pp. 299 f. Schmid regards the inclusion of Christ as pure invention, but seems inclined to accept Abraham as historically probable; cf. the even more sceptical view of Syme, “Ipse Ille Patriarcha” p. 127 f.

30 In his review of Leon, *The Jews of Ancient Rome*, published in *Gnomon* 34(1962) p. 182.

31 *Geschichtspolitik* p. 160 ff. Straub agrees in part with Momigliano’s interpretation, but adds that the *Historia* consciously associates the monotheistic religions, Judaism and Christianity, in order to relativize the claims of the latter vis-à-vis paganism (p. 112, n. 17). He applies this theory in particular to Alexander Severus’ alleged borrowing of the golden rule from “some Jews or Christians.” This view would fit better if the text had not mentioned Jews in addition to Christians.

32 Syme, “Ipse Ille Patriarcha” p. 128, notes that the biography of the pretenders Firmus, Saturninus Proculus and Bonasus refers to the wife of Proculus as “as masculine woman . . . with the name Samso which she acquired later, for her earlier name was Vituriga” (12.3). Syme identifies Samso with the biblical Samson.

general if not in every detail. Of course it is not possible to substantiate the reliability of each of these passages, but it seems unlikely that they could have been invented in the first instance if there had not been some basis for them in fact. On this point there is substantial independent testimony (above pp. 92 f.), including the generally favorable tone of Dio's excursus on Judaism which probably reflects Severan sentiments as well as his own.³³

For the remainder of the third century until the first Christian rulers there is little information.³⁴ As the waning pagan empire concentrated more of its attention on Christianity, the old policies and attitudes toward the Jews seem to have persisted. The Jerusalem Talmud states that the same Diocletian who initiated persecutions against Christians "forced all nations, except the Jews, to offer sacrifices to the images" (jAZ 5.4 [44d]). Only under the Christian emperors did the situation begin to change as new legislation gradually restricted the political and religious freedom of the Jews.³⁵

Still the last word had not been spoken. When Julian, a convert to paganism, came to power in 360 the Empire reverted immediately to former policies.³⁶ In 362, following a meeting with Jewish leaders in Antioch, he announced his intention to rebuild the temple in Jerusalem and to allow the resumption of the traditional sacrifices.³⁷ At the same time, he appointed his associate, Alypius of Antioch, to oversee the project³⁸ and returned Jerusalem once again to the Jews.³⁹ Finally, he

33 On Dio's view of Rome and his relations with the Severans see F. Millar, *A Study of Dio Cassius* (1964) pp. 16-26, 138-160, 174-192.

34 On relations of Jews to the Romans and Parthians during this period see Avi-Yonah, *Geschichte* pp. 125-129.

35 See the discussions in Juster, I passim; J. Parkes, *Conflict* pp. 150-245; Avi-Yonah, *Geschichte* pp. 162-180, 209-231; and Simon, *Verus Israel* pp. 155-162.

36 On Julian see M. A. Adler, "The Emperor Julian and the Jews," *JQR* 5 (1893) pp. 591-651; J. Bidez, *La vie de l'empereur Julien* (1930; repr. 1965); J. Vogt, *Kaiser Julian und das Judentum* (1939); Baron, *Social History*, II pp. 159-161; Avi-Yonah, *Geschichte* pp. 188-208; and Simon, *Verus Israel* pp. 139-144. References to Julian's letters will give the enumeration of W. C. Wright in the Loeb edition and the Budé edition of J. Bidez and F. Cumont.

37 Sozomen, *Hist. eccl.* 5.22, states that Julian summoned the Jewish leaders and asked them why they had not offered sacrifices in accordance with his edicts. They answered that they could sacrifice only in the Jerusalem temple which was no longer standing; cf. similar versions of the meeting in J. Chrysotom, *Adv. Jud.* 5.11, and Rufinus, *Hist. eccl.* 2.58.

38 Amm. Marc. 23. 1.2-3.

39 Julian's former friend and schoolmate, Gregory of Naziansus, says that the emperor used the Jews own writings to demonstrate that "it was now ordained for them to return to their homeland, to rebuild the temple and to renew the full force of their ancient customs (τὸν πατρίων τὸ νόμος ἀνανεώσασθαι)" (*Or.* 5.3). Avi-Yonah, *Geschichte* 197, interprets the final phrase to mean that Julian established a special Jewish province around Jerusalem.

abolished all special taxes on the Jews and urged the patriarch to abandon the annual levy (*apostolē*) which went to the support of the patriarchate.⁴⁰

Among Jews the reaction to the project was mixed. If we can believe various Christian writers there was widespread popular enthusiasm:⁴¹ money and materials poured into the city and large numbers of Jews returned to Jerusalem from the Diaspora. Even if we take these reports *cum grano salis*, Julian must have enjoyed considerable support among some Jews to have undertaken the project at all.⁴² At the same time, other groups were probably less enthusiastic. Many Jews must have wondered whether the Roman emperor was the proper agent for rebuilding the holy temple. As for the patriarch, he stood to lose considerable political and financial power. The fact that there is no clear mention of the project in talmudic sources may also suggest that many rabbis regarded the undertaking with caution at the very least.⁴³ In the end, however, the hopes of the one party and the fears of the other came to naught. Ammianus Marcellinus relates that fires, probably the result of earthquakes, erupted at the site, and that work had to be abandoned:

Fearsome balls of fire erupted continuously from the foundation and rendered the site inaccessible to the workers who were burned on several occasions. In the face of the obstinacy of the elements, the construction ceased.⁴⁴

Although Julian's efforts ultimately failed, the project itself remains a significant indicator of his attitude toward Judaism. In his letter to the high priest Theodorus, he presents the programmatic basis for his policies:

I am cautious and avoid innovation in all things, especially with regard to the gods. For I believe that we ought to observe the laws we have inherited from our ancestors... I saw that those whose

40 These final decisions are attested only by Julian's letter to the Jews (51 in Wright = 204 Bidez-Cumont) whose authenticity is rejected by Vogt and in the edition of Bidez-Cumont, but accepted by W. C. Wright in the Loeb edition (vol. III p. xxii) and Avi-Yonah, *Geschichte* p. 203.

41 J. Chrysostom, *Adv. Jud.* 5.11; Sozomen, *Hist. eccl.* 5.22; Greg. Naz., *Or.* 5.4; and Rufinus, *Hist. eccl.* 1.37.

42 See Vogt, *Kaiser Julian* pp. 50–53; Jerome reports that "certain Hebrews" referred Dan. 11.34 ("When they fall they will receive a little help") to Julian (*Comm. in. Dan.* ad. 11.34 f.).

43 See Avi-Yonah, *Geschichte* pp. 199–202.

44 23.1.2–3. Various Christian authors attributed the cessation of work to divine intervention, the accounts of which were regularly embellished with vivid details, e.g., fire falling from heaven, the gospel of John rediscovered in a secret passage under the temple, crosses appearing in the sky, etc. See the discussion in Avi-Yonah, *Geschichte* pp. 204–208.

minds were turned to the doctrines of the Jewish religion are so ardent in their belief that they would choose to die for it rather than taste pork or any animal that had been strangled. We, however, are so indifferent in our religion...⁴⁵ (453B-D, *Ep.* 20 Wright = 89a Bidez-Cumont).

In his treatise *Against the Galileans*, Julian shows a clear admiration for their sacrificial institutions (c. *Gal.* 305D-306B). In Abraham he saw a kindred spirit who "sacrificed just as we, always and continuously" and "prophesied by shooting stars, which is probably Hellenic" (c. *Gal.* 356C). The god of the Jews he held in high regard, though with special reservations:

The Jews are in part god-fearing for they revere a god who is truly most powerful and most benevolent. He governs the world of sense and is worshipped by us, as I well know, under other names (*Letter to Theodorus* 453D-454A).

They have always worshipped a god who was always kind to me and to those who honored him as Abraham did, for he is a very great and powerful god (c. *Gal.* 354B).

On the other side of the ledger, he could show genuine hostility toward certain aspects of Judaism. This is especially evident in the extended commentary on the Mosaic cosmogony in his *Against the Galileans*. A discussion there takes the form of a comparison between Moses and Plato with the ultimate purpose of determining the precise nature and function of the Mosaic deity (c. *Gal.* 49A-D, 57B-66A). In his comments, he points out that god does not create matter itself and concludes "that according to Moses, god is not the creator of incorporeal things but only the disposer of preexistent matter" (49E). The entire account he describes as "wholly mythical" and full of actions unworthy of the highest god (134D-146B). In the end his chief criticism is that Moses "pays the highest honor to a sectional deity (*theos merikos*), and "worships one who has been assigned the lordship over a small portion instead of the creator of all things" (148C). In the same vein, he charges that the Jews are inconsistent with their own scriptures in their refusal to honor other gods.⁴⁶ The basis of his charge is the Neoplatonic doctrine of *theokrasia*, according to which the gods of the various nations were first shown to be identical except for name and then assigned a position in the divine hierarchy under the highest god. Thus, while Julian could

45 Sextus Empiricus makes the same observation: "a Jew or an Egyptian priest would rather die than eat pork" (*Pyrr.* 2.223).

46 Julian interprets the injunction of Ex. 22.27 (LXX—Θεοὺς οὐ κακολογήσεις) as an indication that Moses enjoined his people to respect pagan deities. He also quotes the story of Babel (Gen. 11.4-8: "Let us go down...") as proof that Moses recognized more than one god (c. *Gal.* 146B).

honor the god of the Jews as the powerful creator of the visible world, he could also deny that he was the highest god of Neoplatonic theology.

Elsewhere, his criticisms take on a less elevated tone and simply reflect the traditional themes of pagan anti-Jewish propaganda. God gave to the Hebrews nothing of great value (c. *Gal.* 176A-B); they originated no scientific or philosophical discoveries (178A); their law is "harsh and contains much that is ruthless and barbarous" (202A); and they have been aliens and slaves throughout their history (209D).

What, then, are we to make of the motives for Julian's actions in view of his obviously ambivalent feelings toward Judaism? First, there can be no doubt about his sincerity in undertaking the temple project.⁴⁷ In a fragment of a letter to the Jews, written after his departure from Antioch, he says that "he is rebuilding the temple of the highest god with all haste."⁴⁸ He speaks of the project again in his letter to Theodorus:

Let no one lead us astray with clever reasoning or disturb us in our belief in providence. Those who reproach on these matters, namely the prophets of the Jews, what will they say about the temple which has been destroyed three times and even now is not reconstructed? I say this not to revile them, I who had the idea after so many years to rebuild it to the glory of the god who is invoked there. But I use it [the project] to show that no human undertaking is eternal and that the prophets who wrote such things spoke falsely and mixed with dessicated old women. None of this means that this is not a great god, just that he never acquired worthy prophets or spokesmen.⁴⁹

In other words, the letter shows a degree of disappointment, though not despondency, at the project's collapse, and also reveals that he had undertaken it in part to fulfill prophecies that the temple was eternal.⁵⁰

Here and there we catch glimpses of other motives. Ammianus, who had accompanied Julian during his campaign against the Persians in 363, states that the emperor was motivated by a desire "to propagate the memory of his reign by the magnitude of his works" (23.1.2). His

47 Cf. the opposite view, expressed by M. Adler, "The Emperor Julian and the Jews," *JQR* 5 (1892-93) pp. 591-651, and Baron, *Social History* II p. 160.

48 J. Lydus, *Mens.* 4.53 (p. 110. 4 ed. Wünsch): ἀναγείλῃν γὰρ μετὰ πάσης προθυμίας τὸν ναὸν τοῦ ὑψίστου Θεοῦ. The term "the highest god" no doubt reflects Julian's familiarity with *hypsistos* as a common epithet of god in the LXX rather than a change of mind as to the status of this god.

49 295b-d-*Ep.* 89b Bidez-Cumont. Wright (Loeb edition, vol. III, p. lxii) regards it as a separate letter. The fragment occurs in a ms. of his *Letter to Themistius*.

50 So Vogt, *Kaiser Julian* p. 47. Avi-Yonah, *Geschichte* p. 203 n. 51, maintains that the passage must be read in some other fashion and that Julian shows no awareness of the project's cessation.

Christian critics saw it as a deliberate attempt to undermine the argument that the destruction of the temple was the final sign that god had rejected the Jews as the chosen people. No doubt there was an anti-Christian element in his motivation, deriving in part from an understandable reaction to the religion which he had rejected. On several occasions he goes out of his way to contrast Christians unfavorably with Jews, as when he tells the Alexandrians that their founder was not like any of the Hebrews, "though they have shown themselves far superior to the Galileans."⁵¹ In addition the rebuilding of the temple was entirely consistent with his general scheme to replace Christianity with a universal pagan church; a key part of this program was his edict that temples should be restored and traditional sacrifices resumed throughout the empire. Finally, a rapprochement with Judaism was to Julian's military advance in his campaign against the Persians, for his actions assured him the support of Jewish communities along his route and especially in Mesopotamia.⁵²

Whether this mixture of actions, attitudes, and motives on Julian's part justifies calling him a proto-Zionist, as W. C. Wright⁵³ and Avi-Yonah⁵⁴ have suggested, is questionable. Nonetheless, there can be no doubt that he was genuinely attracted to certain aspects of ancient Judaism, an attraction which he shared with other representatives of Neoplatonism in the late Empire.

The Dialogue Among Philosophers and Theologians

Thus far we have concentrated almost exclusively on the dialogue of official Rome with Judaism, although in the case of Julian theological and philosophical matters played an important role. There was, in fact, a long history of theological interchange which prepared the way not only for Julian but for the Severans as well.

The first figure in this stage of the dialogue is the physician-philosopher Galen (131-197).⁵⁵ Like others before and after him, Galen took offense at the centrality of uncritical faith and authority in Judaism. He compared incompetent doctors "to Moses, who framed laws for the tribe

51 433 *Ep.* 47 Wright = 111 Bidez-Cumont; cf. F 2 in Wright where Julian contrasts Jesus with Moses and Elijah. "Moses fasted 40 days and received the law, Elijah fasted for the same length of time and was granted a vision of god, but what did Jesus receive after his fast of the same length?"

52 See the comments of J. Neusner, *A History of the Jews in Babylonia* IV (1969) pp. 29 f.

53 Vol. III, p. xxi of the Loeb edition.

54 *Geschichte* p. 197.

55 See the important work of R. Walzer, *Galen on Jews and Christians* (1949) and the review of Walzer by A. D. Nock in *Gnomon* 23 (1951) pp. 48-52.

of the Jews, since it is his method in his books to write without offering proofs, saying 'God commanded, God spoke'.⁵⁶ Elsewhere he declares sarcastically that "one might more easily teach novelties to the followers of Moses and Christ than to the physicians and philosophers who cling fast to their schools."⁵⁷

One notes, however, that even in these disparaging remarks Galen appears to regard the Jews as in some sense a philosophical sect. This impression is confirmed by a lengthy passage in his *On the Function of Parts of the Body* where he compares Moses with different Greek philosophers.

Did our demiurge simply enjoin this [eyebrow] hair to preserve its length always equal and does it strictly observe this order either from fear of its master's command or from reverence for the god who gave this order, or is it because it itself believes it better to do this? Is not this Moses' way of treating nature, and is it not superior to that of Epicurus? The best way of course is to follow neither of these but to maintain like Moses the principle of the demiurge as the origin of every created thing, while adding the material principle to it... It is precisely this point in which our own opinion and that of Plato and of the other Greeks who follow the right method in natural science differs from the position taken up by Moses. For the latter it seems enough to say that god simply willed the arrangement of matter and it was presently arranged in due order; for he believes everything to be possible with god, even should he wish to make a bull or a horse out of ashes.⁵⁸

Here Galen quite explicitly engages Moses in a philosophical debate on the causes of creation. He agrees with Moses against the Epicureans on the need for an active cause, i.e., a creator god, but he rejects outright the notion of *creatio ex nihilo* and unlimited divine power. On the latter point he anticipates Julian's interpretation that the god of Moses is only the creator of the visible world. At the same time, he dismisses, at least implicitly, the view of Longinus, in his *On the Sublime*, who praises Moses precisely because he represents god as creating merely by speaking.⁵⁹ In any case, the passage presupposes that Galen possessed a first-hand knowledge of at least the book of Genesis. Beyond this it

56 The passage comes from a work extant only in Arabic, *On Hippocrates' Anatomy*; cf. Walzer pp. 10 f., 18-23.

57 *De puls. diff.* 3.3 (vol. 8, p. 657 ed. Kuehn); cf. Walzer pp. 14 f. and pp. 37-48.

58 *De usu part.* 11.14 (vol. 3, p. 904 ed. Kuehn); cf. Walzer pp. 11-13 and 23-27.

59 *De subl.* 9.9: "In the same manner what does the lawgiver of the Jews say—no ordinary man, for he comprehended and brought to light in worthy fashion the power of the deity when he wrote at the very beginning of his laws, 'Let there be light' and there was, 'Let there be earth' and there was."

reflects, as R. Walzer has proposed, "a discussion which had been going on for some time in the higher strata of Roman society."⁶⁰

Following Galen we come to a series of figures whose dominant philosophical influence was Platonism. From Celsus to Libanius, that is, from middle Platonism to the Neoplatonism of Plotinus and his successors, there was a persistent concern with Judaism as an ancient religion of great value. To be sure, the first of these figures, Celsus, was hardly an admirer of Judaism.⁶¹ His *True Teaching*,⁶² the first of many anti-Christian treatises in late antiquity, contains numerous references to the Jews, in part because he devoted a large section of the work (1.28–2.79) to a critique of Christianity in the form of a dialogue between a Jew and Jesus.⁶³ Many of these references are unfriendly, though there are one or two exceptions. In accordance with his fundamental belief "that it is impious to abandon the customs which have existed in each locality from the beginning," he concedes at least their antiquity. Like Tacitus he admits that "they maintain their ancestral customs and observe a worship which may be very peculiar, but is at least traditional" (5.25). Even the Jews, however, who were Egyptians in origin, rebelled against their native religion and committed the sin of innovation in religious matters (1.23; 3.5; 5.41).

While there is no mistaking Celsus' fundamentally negative attitude, we should note that it reflects primarily an anti-Christian, rather than an anti-Jewish bias of the work as a whole. The charge that Moses had plagiarized ancient Greek myths is a simple reversal of the Christian argument, itself borrowed from earlier Jewish apologists, that the Greeks stole their myths from biblical stories.⁶⁴ Thus Celsus' primary target

60 Walzer, pp. 2 f. In his review of Walzer (above n. 55) Nock notes that Galen's friend, Flavius Boethus, was governor of Palestine at the time (c. 162–166) when Galen composed his *On Hippocrates' Anatomy* and must have communicated with Galen concerning Jewish matters. F. Pfaff, "Rufus aus Samaria, Hippocrates-Commentator und Quelle Galens," *Hermes* 67 (1932) pp. 356–359 states that Galen relied on Rufus of Samaria's compendium or earlier commentaries on Hippocrates. Rufus was a wealthy Jewish physician who came to Rome in Galen's time.

61 On Celsus see A. Miura-Strange, *Celsus und Origenes: Das Gemeinsame ihrer Weltanschauung* (1926) and C. Andresen, *Nomos und Logos: Die Polemik des Kelsos wider das Christentum* (1955).

62 Celsus' *True Teaching* has been reconstructed from Origen's *Contra Celsum*, written around 248 A.D. See esp. R. Bader, *Der ΑΙΗΘΗΣ ΛΟΓΟΣ des Kelsos* (1940) and H. Chadwick, *Origen: Contra Celsum* (1965²) whose translation I have followed.

63 On Celsus' Jewish sources see M. Lods, "Etude sur les sources juives de la polémique de Celse contre les chrétiens," *RHPR* 21 (1941) pp. 1–33.

64 Cf. Aristobulus (apud Euseb., *Praep. Evang.* 13. 12. 1 and 13. 13. 13–16) who claimed that Plato borrowed his legislation from Moses and that Homer and Hesiod took the idea of a sacred sabbath day from the same source. See the discussion in Andresen, *Logos und Nomos* pp. 308–400.

is Christianity, not Judaism, and his criticisms are part of his attempt to debunk the claim of Christianity to be the new Israel.

In any case, Celsus is entirely atypical of other middle Platonic figures, among whom the Jewish scriptures emerge again as a source of ancient philosophical wisdom. We begin with Numenius of Apamea,⁶⁵ a contemporary of Celsus and an influential force in the subsequent development of Neoplatonism. In his effort to discover the earliest sources of philosophy, he followed a highly eclectic method:

When he [Numenius] has spoken of this and confirmed it with Plato, it will be necessary to return and relate it to the teachings of Pythagoras and finally to call upon the outstanding nations, bringing the rites and doctrines and institutions which the Brahmans, the Jews, the Magi and the Egyptians established and founded in agreement with Plato.⁶⁶

In other words, by progressively eliminating later accretions and by preserving only those elements wherein Pythagoras and certain outstanding nations were in agreement with Plato, Numenius hoped to reconstruct human wisdom in its purest form. His particular concern was to show the incorporeality of god. Origen, for example, states that Numenius included the Jews among the nations who "believe god to be incorporeal."⁶⁷ In another report, Numenius is said to have regarded the god of the Jews as "incompatible (*akoinonētos*)," presumably with other gods, and to have called him "the father of all gods, who deemed it unfitting that any one should share his honor with him."⁶⁸

We know also that he knew and used the Jewish scriptures. Porphyry, in his allegorical treatise *On the Cave of the Nymphs*, cites Numenius in his discussion of the descent of souls into bodies:

We [Porphyry] say that the Naiads are nymphs and in particular the powers that preside over the waters. They [the theologians] use the term generally of all souls that descend into generation. For they consider, as Numenius says, that the souls rest on divinely

65 The standard edition of his fragments is E. H. Leemans, *Studie over den wijsgeer Numenius van Apamea met Uitgave der Fragmenten* (1937). See also R. Beutler, "Numenios," *RE* suppl. 7 (1940) pp. 664-678; H.-C. Puech, "Numénius d'Apamée et les théologies orientales au second siècle," in *Mélanges Bidez* vol. II (1934) pp. 745-778; E. R. Dodds, "Numenius and Ammonius," in *Les sources de Plotin* ("Entretiens Hardt," 5: 1960) pp. 3-32, and most recently J. H. Waszink, "Porphyrios und Numenios," in *Porphyre* ("Entretiens Hardt," 12: 1966) pp. 35-78.

66 F 9a = Euseb., *Praep. Evang.* 9.7.1.

67 F 9b = Orig., c. *Cels.* 1.15.

68 F 34 = J. Lydus, *Mens.* 4.53 (p. 110.1, ed. Wünsch); cf. Ex. 20. 3—"You shall have no other gods before me" and 20.5—"For I the lord your God am a jealous God."

blown water. Therefore, he says, the prophet said that the spirit of god was borne (ἐμφέρεσθαι) over the water.⁶⁹

In other words, he used an allegorical interpretation of Genesis 1.2 (LXX — ἐμὶ πνεῦμα θεοῦ ἐπεφύετο ἐπάνω τοῦ ὕδατος) to buttress his view of the coupling of soul and body. Nor is this the only occasion on which he did so, for Origen again remarks that,

Numenius the Pythagorean, a man who expounded Plato with very great skill and maintained Pythagorean doctrines, quotes Moses and the prophets in many passages and gives no improbable allegorical interpretation, as in the writing called *Epop*s, in his *On Numbers* and in his *On the Place*.⁷⁰

He also knew and recorded a version of Moses' contest with the magicians of the pharaoh (Ex. 7.11–13).⁷¹ This particular bit of information must have come to him from a non-biblical source, for the names he assigns to the magicians, Jannes and Jambres, appear in later traditions, e.g., 2 Tim. 3.8, but not in the biblical account.

In view of these witnesses, it can no longer come as a surprise that Numenius could refer to Plato as "Moses speaking Attic Greek (τι γὰρ ἐστὶ Πλάτων ἢ Μωυσῆς ἀττικίζων)." ⁷² E. R. Dodds has rightly pointed out that Numenius "ought to have described Moses as Plato talking Hebrew."⁷³ Indeed, the unexpected formulation has led some to reject the saying as inauthentic,⁷⁴ while others have supposed that Numenius must have been a Jew himself or at least a sympathizer.⁷⁵ However neither of these solutions is necessary given his programmatic commitment to the exploitation of barbarian wisdom, a commitment not invented by him nor unusual in his time.⁷⁶ If his views differed markedly from those of other Platonists, we might suspect that he had special reasons

69 T 46 = Porph., *De antro nymph.* 10.

70 F = Orig., *c. Cels.* 4.51. Dodds, *Pagan and Christian* p. 130 n. 2, comments that "allegorical interpretation of the Old Testament was introduced to the pagan world by Numenius . . . who perhaps drew on Philo."

71 F 18 = Euseb., *Praep. Evang.* 9.8.1–2; cf. Orig., *c. Cels.* who says that Numenius "narrates the story of Moses, Jannes and Jambres." Origen, *Comm. in Matt.* 27.9 (ser. 117 ad fin.) mentions a *Book of Jannes and Mambres* which may have been Numenius' source.

72 F 10 = Clem. Alex., *Strom.* 1.150.4. The saying is repeated by Eusebius, *Praep. Evang.* 9.6.9; Theodoret, (c. 430 A.D.) *Graecarum Affectionum Curatio* 2. 114 f. (p. 67 ed. Raeder); the sixth century historian Hesychius of Miletus (C. Müller, *Fragmenta Historicorum Graecorum*, vol. IV p. 171); and finally by Suidas, s.v. Numēnios.

73 "Numenius and Ammonius" p. 6; the emphasis is Dodds'.

74 So Reinach, *Textes* p. 175 n. 2.

75 So C. Bigg, *The Christian Platonists of Alexandria* (1913²) p. 300 n. 1.

76 See Waszink, "Porphyrios und Numenios" pp. 46–48 and Th. Hopfner, *Orient und griechische Philosophie* (1925).

for appealing to ancient Hebrew wisdom. In fact the contrary is true. His views are typical and reappear in later Neoplatonists.

In Plotinus himself there is no direct mention of Judaism, though E. R. Dodds⁷⁷ has called attention to a similar use of imagery in Philo and Plotinus, and H. A. Wolfson⁷⁸ has sought to show a line of dependence between the two. On the other hand, Plotinus' biographer and secretary Porphyry has left numerous testimonies which must surely reflect Plotinus' views to some extent. Porphyry's early writing, *On Philosophy from Oracles*,⁷⁹ was an attempt to create a philosophical and religious system from popular sources. In the course of the work he cites several oracles, presumably not his own creations, containing the wisdom of the Hebrews:

Only the Chaldeans and the Hebrews reached true wisdom, they who worship god piously, the selfborn king.⁸⁰

When asked whether speech, reason, or law was superior the oracle replied,

God the creator and king before all things, before whom the heaven, the seas and the hidden depths of hell tremble and whom the gods themselves hold in great awe. Their law is the father, whom the pious Hebrews worship fervently.⁸¹

Thus in his early years, possibly under the influence of Numenius, Porphyry reckoned the Hebrews among the wise nations of the past and identified their god with the creator and king of all things.

At a later time Porphyry appears to have modified his position,⁸² though the evidence is not unequivocal. On the one side there are signs of continuing sympathy. In this *Life of Pythagoras* he quotes Antoninus Diogenes to the effect that Pythagoras had visited the Arabs, the Chaldeans, and the Hebrews and had "learned from the latter precise information about dreams."⁸³ Elsewhere, in his *On Abstinence*, he supports his argument for abstaining from meat by an extensive discussion which includes the only quotation of Josephus by a pagan author. In *Abst.* 4.11

⁷⁷ *Pagan and Christian* pp. 94-96.

⁷⁸ H. A. Wolfson, "Albinus and Plotinus on Divine Attributes," *HTHR* 45 (1952) pp. 115-130 (esp. 126-128).

⁷⁹ *De philosophia ex oraculis haurienda*, ed. G. Wolf (1856; repr. 1962).

⁸⁰ Wolf p. 141 = Euseb., *Praep. Evang.* 9.10.4; cf. also Wolf p. 140 = Euseb., *Praep. Evang.* 9.10.2, where the oracle of Apollo reports that the Hebrews, along with the Phoenicians, the Assyrians, and the Lydians, had learned the many paths to heaven.

⁸¹ Wolf p. 142 = August., *De civ. D.* 19.23 and Lact., *De ira D.* 23.12.

⁸² So Waszink, "Porphyrios und Numenius" pp. 56-58.

⁸³ *Vit. Pyth.* 11 (p. 22 ed. Nauck). Waszink argues that this information came to Porphyry from Philo via Numenius.

he introduces the Jews as "well-known to us" and mentions the three sects of the Jews—Pharisees, Sadducees, and Essenes. Then in 4.11–13 he simply copies Josephus' account of the Essenes in the *Jewish War* 2.120–160. Finally, in 4.14, he cites a passage from *Against Apion* (2.313 with minor variations) where Josephus presents Moses' command against killing animals used for labor.

On the other side, the evidence for a change of mind on Porphyry's part is ambiguous. J. H. Waszink cites a passage in which Lydus contrasts Porphyry's position with that of other Neo-platonists:⁸⁴

But Porphyry in his *Commentary on the Oracles* says that the god worshipped by the Jews is the second god, i.e., the ruler of all things (τῶν ὅλων), whom the Chaldean reckons to be the second god from the *hapax*, i.e., from the good. But the schools of Iamblichus, Syrianus and Proclus consider him to be the creator of the visible world (τοῦ αἰσθητοῦ κόσμου) and call him the god of the four elements (*Mens.* 4.53 p. 110. 8 ed. Wünsch).⁸⁵

This passage is especially interesting because it reveals a debate within Neoplatonism as to the status of the Jewish god. There was general agreement that he belonged among the cosmic or lower deities, but on his precise function within that category there were differing views. Porphyry shared the position of Numenius (above, pp. 16 f.) that he governed not only the whole created order but the other gods as well; this was his view in the earlier *On Philosophy from Oracles* and it remains unchanged in the later *Commentary on the Oracles* cited by Lydus. In contrast, Julian (above pp. 10 ff.) and the schools of Iamblichus, Syrianus, and Proclus assigned the Jewish god to a somewhat lower status as ruler of the visible world but not of the other gods.

Equally ambiguous in their significance are Porphyry's comments on various Jewish writings in his *Against the Christians*.⁸⁶ In discussing John 5.46 ("If you believed in Moses, you would believe in me, for he wrote concerning me") he retorts,

the fact is that nothing of Moses has survived, for all his writings are said to have been burned along with the temple. Everything written thereafter in the name of Moses was actually composed 1180 years later by Ezra and his colleagues.⁸⁷

84 *Mens.* 4.53 (p. 110.18 ed. Wünsch).

85 For a discussion of the terms involved in the passage see W. Kroll, *De oraculis chaldaicis* (1894) pp. 16 f.; cf. also H. Lewy, *Chaldean Oracles and Theurgy* (1956) and E. R. Dodds' comments on Lewy's book, "New Light on the 'Chaldaean Oracles'," *HTHR* 54 (1961) pp. 263–273.

86 The fragments have been edited by A. v. Harnack, *Porphyrius "Gegen die Christen," 15 Bücher, Zeugnisse, Fragmente und Referate* (Abhandlungen Berlin, Phil. -hist. 1; 1916); cf. also Dodds, *Pagan and Christian* pp. 125–127.

87 F 39 Harnack = Euseb., *Praep. Evang.* 6.19.4.

One is sorely tempted to interpret this observation as anticipating modern critical views that the Pentateuch in its present form is product of the fifth and fourth centuries B.C., i.e., Ezra's time. While this is not impossible, a more likely explanation is that Porphyry knew 4 Ezra 14.21 f., or the tradition behind it, which states that Ezra rewrote the sacred books following their destruction in the fire. Elsewhere, Porphyry's considerable skill as a literary critic is revealed in his conclusion that the book of Daniel was not written in the sixth century B.C., as the author claims, but during the Maccabean revolt in the mid-second century B.C.:

"Daniel" did not foretell the future so much as he related the past and lastly whatever he spoke of up till the time of Antiochus (Epiphanes) contained authentic history, whereas any thing he may have conjectured beyond that point was false.⁸⁸

Finally, he rejects the Christian use of allegory as a "solution to the low quality of the Jewish scriptures."⁸⁹

The question is whether these remarks indicate a change in Porphyry's assessment of Judaism. The first two comments do not amount to criticism as such, but are rather bits of literary analysis with no evident target. The last comment about the low quality of the Jewish scriptures is directed explicitly against Christians, not Jews, and is purely polemical in character. Thus when Eusebius says that Porphyry's *Against the Christians* "insulted equally Christians, Hebrews, Moses and the prophets" (*Praep. Evang.* 10.9.11), he may have in mind nothing more than passages like those just cited. If this is the case they provide little support for the claim that Porphyry seriously altered his early regard for the ancient Hebrews as a wise people in religious matters.⁹⁰ As to the report of the fifth century Christian author Aristocritus that Porphyry's wife Marcella was Jewish, there is no further evidence to confirm or deny it.⁹¹

A final testimony is an anonymous Neoplatonic treatise, originally attributed to Galen, *On Whether Embryos Possess Souls* (*Ad Gaurum*).⁹² The author cites an allegorical interpretation of Genesis 2.7 to support

88 F 43 c Harnack = Jerome, *Comm. in Dan.*, prol.; the translation is from *Jerome's Commentary on Daniel*, tr. G. L. Archer (1958) p. 15.

89 F 39 Harnack = Eusebius, *Hist. Eccl.* 6.19.4.

90 So also Vogt, *Kaiser Julian* p. 17.

91 Baron, *Social History* II p. 159, appears to accept the statement without question. See the discussion in W. Pötscher, ed., *Porphyrios. IIPOΣ MAPKEAAN* ("Philosophia Antiqua," 15: 1969) pp. 60 f.

92 The attribution to Galen appears in the title of the treatise; see the critical edition by K. Kalbfleisch (*Abhandlungen* Berlin, Phil. -hist. 1: 1895). Kalbfleisch attributes the work to Porphyry. R. Beutler, "Porphyrios," *RE* 22 (1953) p. 290, disputes the attribution to Porphyry while accepting the document itself as Neoplatonic. The treatise has been translated by A. J. Festugière, *La révélation d'Hermès Trismégiste* III (1953) pp. 269-302.

his view that the soul enters the foetus only after it has taken shape in the womb:

The theologian⁹³ of the Hebrews also seems to signify this when he says that when the human body was formed and had received all of its bodily workmanship, god breathed the spirit upon it for a living soul (*εἰς ψυχὴν ζῶσαν*).⁹⁴

This series of philosophers, most of them Platonists, has shown a persistent attraction to the religion of the ancient Hebrews. Several of them also made a systematic effort to incorporate certain aspects of this religion into their highly eclectic systems. Even in the *Chaldean Oracles* there are traces of Jewish angelology.⁹⁵ This philosophical or theological aspect of paganism's dialogue with Judaism complements the official or political aspect discussed earlier, and in the figure of Julian the two became one.

The "Popular" Dialogue: Magic, Alchemy and Astrology

By and large the participants in the dialogue thus far have been limited to the political and intellectual elite of the Empire. If we turn to ancient magic, alchemy and astrology, what many are wont to call the "lower" manifestations of religious phenomena, we find a dialogue of a rather different kind. Here Jews were widely known as practitioners of the "divine arts." Juvenal mocked the Jewish woman who sold dream interpretations at bargain prices (*Sat.* 6.544–547). Pompeius Trogus describes Joseph as "highly skilled in prodigies" and "the first to found the science of interpreting dreams" (36.2.8). And Hadrian is reported to have exclaimed about Egypt, "There is no Jewish archisynagogus, no Samaritan, no Christian presbyter who is not an astrologer, a soothsayer or an anointer."⁹⁶

For the popular majority, however, such skills were a valued possession. Satirists and critics might show scorn and certain intellectuals indifference, but other groups showed great respect for Jewish magic.⁹⁷ In fact, among the enormous array of amulets, phylacteries, and recipes on papyrus, the number of items with no Jewish elements at all is quite

93 This is the only pagan text where Moses is called *theologos*. Philo uses the term twice of Moses (*Mos.* 2.115; *Praem.* 53).

94 Cf. Gen. 2.7 (LXX): καὶ ἐνεφύσησεν εἰς τὸ πρόσωπον αὐτοῦ πνοὴν ζωῆς καὶ ἐγένετο ὁ ἄνθρωπος εἰς ψυχὴν ζῶσαν. Waszink, "Porphyrus und Numenius," again proposes that the author's source was Numenius.

95 So W. Kroll, *De oraculis chaldaicis* pp. 46, 70 and H. Lewy, *Chaldaean Oracles* ch. I, notes 32–37 and pp. 162 f.

96 *Hist. Aug.*, Firmus 8.3; cf. also Apuleius, *Apol.* 90 and Lucian, *Alex.*, 32.13.

97 On Jewish magic in general see J. Trachtenberg, *Jewish Magic and Superstition* (1939) and Simon, *Verus Israel* pp. 394–431.

small.⁹⁸ Thus in terms of our particular concern to show pagan familiarity with and use of Jewish magic, the problem is knowing how to decide whether a given item is Jewish or pagan in origin. When Jewish elements predominate or when Jewish writings are cited, we may well have a "Jewish" piece.⁹⁹ But once we admit that pagans regularly borrowed Jewish terms and names, it becomes exceedingly difficult to draw meaningful distinctions. In popular Egyptian circles where magic flourished, the traditional lines between Jew and gentile seem to have lost much of their meaning. Often it is easier and more accurate to speak of Jewish or Egyptian contributions to this syncretistic environment than to retain traditional labels.¹⁰⁰ In speaking of PGM XII, the famous Leyden papyrus, E. R. Goodenough admits that "Jewish elements are so mingled with pagan ones that I have no idea who could have written it,"¹⁰¹ The answer, I think, is that the author was a "syncretist." Perhaps the most important practical solution is to keep in mind Goodenough's observation that the overwhelming majority "of the charms have been preserved in collections made by pagans, so that even those which seem Jewish, without any syncretistic features, clearly had value in pagan eyes."¹⁰²

Among the plethora of Jewish terms in magical documents, the most common are Adonai, Iao, Sabaoth, and a host of names ending in *-el* and *-oth*.¹⁰³ In addition, a number of ancient Jewish heroes also appear. In PGM III, the suppliant appears for help in the name of Adam (lines 145 ff.). PGM XXIIb contains a prayer of Jacob. PGM IV records a trance (*κατάπτωσις*) of Solomon which is guaranteed to work for children and adults (lines 850–929). The god of Abraham, Isaac, and Jacob is invoked several times (PGM XII line 287; PGM XIII lines 817 and 976). But the central figure is Moses, who was especially renowned for his knowledge of the divine name:

I am Moses your prophet, to whom you committed your mysteries which are celebrated by Israel . . . Listen to me, I am the messenger

98 Cf. C. Bonner, *Studies in Magical Amulets* (1950) p. 28 and E. R. Goodenough, *Jewish Symbols in the Greco-Roman Period* II (1953) p. 206.

99 See the important methodological discussion in Goodenough, *Symbols* II pp. 153–155, 206 f. On reactions to Goodenough see the reviews of H. Leon in *Archeology* 7 (1954) p. 264, and A. D. Nock in *Gnomon* 27 (1955) p. 570.

100 See Th. Hopfner, "Mageia," *RE* 27 (1928) p. 307, who remarks that after the first century A.D. in Egypt it is best to speak of syncretistic magic and religion.

101 Goodenough, *Symbols* II p. 206 n. 229. All references to the magical papyri are according to the edition of K. Preisendanz et al., *Papyri Magicae Graecae* I (1928), II (1931), and III (1941). For *PMG* III, I have used a photographic copy, presumably made from page proofs, in the library of the Warburg Institute, University of London.

102 Goodenough, *Symbols* II p. 206.

103 See the indices in *Papyri Magicae Graecae*, III pp. 235–238.

of Phapro Osoronnophris. This is the authentic name which was committed to the prophets of Israel.¹⁰⁴

So powerful was his fame that he became the "author" of several magical books and charms. PGM XIII, which contains two recensions of the same work, bears the title "Holy Book called the *Monad* or *Eighth Book of Moses on the Sacred Name*" (lines 343 f. and 1077). Within the text of PGM XIII there are further references to books of Moses. A *Key of Moses* is cited four times (lines 22, 31, 36 and 60) and appears to reflect a rivalry between Moses and Hermes as masters of magic.¹⁰⁵ An *Archangelical Book* is mentioned in line 971 which may well be identical with the *Archangelical Book* of Moses which appears in Codex II of the writings from Nag Hammadi (p. 150. 7-9 ed. Böhlig-Labib). And a *Secret Moon Book* of Moses is quoted in line 1059.¹⁰⁶ Elsewhere, PGM VII quotes a recipe from the *Diadem* of Moses.

In the realm of alchemy, which was really a sister to magic, we find a similar admixture of Jewish elements.¹⁰⁷ In the collection of alchemical texts published by M. Berthelot and C.-E. Ruelle,¹⁰⁸ Jewish figures play an important role. Moses appears along with Democritus, Xenocrates, and Zosimus in a list of the best known practitioners.¹⁰⁹ The manuscripts contain references to various works of Moses: a *Diplosis* which includes a recipe for producing gold from lower metals,¹¹⁰ a *Chemistry*,¹¹¹ and a *Maza* ("lump of metal") which Zosimus cites twice in his treatise on yellow-dyeing.¹¹² The same Zosimus, who brought together elements from various sources in compiling his handbooks, cites other Jewish

104 PGM V lines 108-118; cf. also PGM II lines 12-128; III lines 158 f. and XII lines 92-94.

105 Cf. also the tenth treatise of the *Corpus Hermeticum* which is called the *Key of Hermes*. PGM XII line 14 accuses Hermes of plagiarizing the names of sacrificial fumes from the *Eighth Book of Moses*. It should also be noted that the Jewish apologist Artapanus says that Moses was called Hermes by the Egyptian priests because he provided an interpretation (*hermeneia*) of their sacred writings (apud Euseb., *Praep. Evang.* 9.27.3-5).

106 R. Reitzenstein, *Poimandres* (1904) p. 190 also mentions a *Liber lunae* of Hermes.

107 In general on alchemy see M. Berthelot, *Les origines de l'alchimie* (1885); E. Riess, "Alchimie," *RE* 2 (1894) pp. 1338-1355; W. Gundel, "Alchimie," *RAC* 1 (1950) pp. 239-260 and Jack Lindsay, *The Origins of Alchemy in Graeco-Roman Egypt* (1970).

108 *Collection des anciens alchimistes grecs* I (1887), II-III (1888). See also the series, *Catalogue des manuscrits alchimiques grecs*, published by the Union Académique Internationale (1924-).

109 Berthelot I, Introduction pp. 110 f.

110 Berthelot I pp. 38 f. (text); cf. Gundel, "Alchimie" pp. 245, 249.

111 Berthelot II pp. 300-315 (text).

112 Berthelot II pp. 182 f. (text).

figures as well.¹¹³ He notes that Solomon acquired his wisdom in technical matters from the Egyptian king Membres;¹¹⁴ and he refers to a writing entitled *True Book of Sophē the Egyptian and of the Divine Lord of the Hebrews, Sabaoth of the Powers*.¹¹⁵ On several occasions he mentions a certain Maria who seems to have been well known among alchemists:¹¹⁶

The entire kingdom of Egypt, dear woman, is sustained by the two arts, the art of the timely dyes (*kairikōn*) and the art of stones . . . Only to the Jews has it been given to do, record and transmit these things secretly. Therefore we find Theophilus the son of Theogenes writing about gold-mining maps, the description¹¹⁷ (of furnaces) by Maria and other Jewish writers.¹¹⁸

Some of these titles may indicate the existence of Jewish schools of alchemy in Egypt, though there is no evidence for them apart from the names and titles. More important is the fact that, as with the magical papyri, these contributions of Jewish alchemy were borrowed and preserved by non-Jews in collections designed for general use.

In the realm of astrology, the same type of Jewish influence and participation is evident. In the first tractate (*Poimandres*) of the *Corpus Hermeticum*, details from the cosmogony of Genesis intermingle with themes from Neoplatonism and ancient Egyptian cosmogonies.¹¹⁹ More explicitly astrological is a manuscript discussed by R. Reitzenstein which contains an astrological guide to the calendar.¹²⁰ For each day of the month certain deities and activities are specified as propitious. On the second day Phosphorous was born, Eve was created from Adam's side, and the day is favorable for marriage. On four of the thirty days the first item is not a pagan deity but an event from ancient Jewish history. Thus on the first day Adam was born, on the fourth day Abel, and on the nineteenth day Moses, while on the twenty-ninth day the Jews entered the promised land. Clearly the text is an amalgamation of Jewish and Greek materials. If the original was Jewish and the editor Greek, it is an example of biblical allusions in a non-Jewish document. If, on the

113 On Zosimus see Gundel, "Alchemie" pp. 246 f.

114 Berthelot II pp. 245.

115 Ibid. pp. 211, 213.

116 Cf. Berthelot's index, III pp. 463 f.

117 Cf. the parallel passage where the sixth century Neoplatonist Olym-piodorus quotes our text with occasional variants (Berthelot II p. 90).

118 Berthelot II p. 240 and Gundel, "Alchemie" pp. 241, 245. It is not clear whether the "Hebrew prophetess" mentioned in a writing attributed to "the Christian" (Berthelot II p. 404) is to be identified with Maria.

119 Cf. C. H. Dodd, *The Bible and the Greeks* (1935) pp. 99-248.

120 *Poimandres* pp. 271 f. The manuscript is Cod. Ambros. E. sup (=Catal. cod.astrolog. III 32-40). The date of the manuscript is the thirteenth century, but Reitzenstein dates the original much earlier.

other hand, the order is reversed, we have a "Jewish" author who used Jewish and pagan sources without apparent concern for their juxtaposition. Finally, as with magic and alchemy, we find writings attributed to ancient Hebrew sages.¹²¹ Vettius Valens, an astrological compiler of the second century A.D., reports that Hermippus (fl. ca. 220 B.C.) had used the writings of the "most admirable Abraham" in developing travel horoscopes. Somewhat later, Firmicus Maternus, before his conversion to Christianity, composed a similar anthology of astrological material in which he cites "that divine Abraham" (*Math.* 4.17.2) as a recognized authority (4.18.1) and places him along side such revered figures as Hermes, Petosiris, Orpheus, and Critodemus (4. pr. 5).

These Jewish contributions to magic, alchemy and astrology are an invaluable witness to a dialogue between paganism and Judaism rather different from that of the philosophers and official Rome. Still, the fact that Moses' renown in magical circles rested on his knowledge of the all-powerful divine name cannot be unrelated to the attitude of the Neoplatonists to the same god. Equally significant is the information which these sources provide for relations between pagans and Jews in Egypt. Normally when we think of pagan-Jewish relations in Roman Egypt we tend to focus on Philo, Apion, the riots that prompted Claudius' letter to the Alexandrians, and the so-called *Acts of the Pagan Martyrs*. But as the magical and alchemical texts have made clear, there was another side to the picture.

The explanation for this largely unnoticed aspect of the dialogue lies partly in sociological and geographical factors. There must have been significant numbers of Jews who adapted themselves to the syncretistic environment of Egypt. Most of these will not have belonged to the social or economic elite. No doubt many lived in smaller communities outside Alexandria where relations were such that a good deal of Jewish lore found its way into the cauldrons that nourished magicians and alchemists. How far back we can date these relations is uncertain. The process is already evident in the Jewish military colony at Elephantine in the sixth and fifth centuries B.C., and it is unlikely that it burst on the scene again *ex nihilo* in the second century A.D.

The Basis of the Dialogue

The first question is whether our survey justifies the term "dialogue." In the sense that E. R. Dodds speaks of a dialogue of paganism with Christianity in the same period the answer is definitely affirmative.¹²² In

121 Vett. Val. 2.28-29. See the discussion in H. and W. Gundel, *Astrologumena* (1966) pp. 51-59.

122 Cf. Dodds, *Pagan and Christian*, pp. 102-138. One salient feature lack-

fact the dialogue with Judaism was more active, positive and reciprocal than that with Christianity. If the exchange has sometimes appeared one-sided this is largely because we have focused more on pagan views of Judaism.¹²³ Nonetheless there were definite limits. First and foremost, our information stems almost exclusively from what might be called aristocratic circles on both sides. Even the evidence from magic and alchemy of the period can be interpreted as pointing in this direction, for their appeal in the later empire was no longer limited to the lower classes.¹²⁴ As for the existence of a "popular dialogue" in the same period, perhaps reflecting animosities from the early empire, the pagan sources provide no information.¹²⁵ This is not to suggest that relations were perfectly harmonious, even among the aristocrats, at every moment

ing in paganism's dialogue with Judaism *in this period* is the extensive written treatise. On the pagan side, there is no counterpart to Celsus' *True Teaching*, Porphyry's *Against the Christians*, or Julian's *Against the Galileans*. Neither is there, on the Jewish side, a body of writings comparable to the numerous Christian apologies of the second and third centuries. But this had not always been the case. It is probably not too much to say that Rome had been as concerned with Judaism in the first century (when written tracts were widely used on both sides) as it was with Christianity in the second and third centuries. In short, the absence of written treatises in this later period should not be taken as testimony against the existence of a genuine dialogue.

123 For an important complement to the perspective of the present paper see the recent article of M. D. Herr, "The Historical Significance of the Dialogues between Jewish Sages and Roman Dignitaries," *Scripta Hierosolymitana* 22 (1971) pp. 121-150. Herr deals with the dialogue as reflected in talmudic and midrashic literature. By and large, Herr's treatment of the Jewish sources confirms our view that there was an active dialogue between paganism and Judaism in the period following, and even preceding, the Bar Cochba rebellion. See also Herr's article, "Anti-Semitism in the Roman Empire viewed in the Light of Rabbinic Literature," (Hebrew) in the *Benjamin DeVries Memorial Volume*, ed. E. Z. Melamed (1968), pp. 149-159.

124 Note the comments of O. Murray in his review of R. MacMullen, *Enemies of the Roman Order*, published in *JRS* 59 (1969) pp. 261-265, and A. A. Barb, "The Survival of Magic Arts," in *Paganism and Christianity in the 4th Century*, ed. A. Momigliano (1963) pp. 100-125. Both emphasize that magic and astrology moved up the social ladder in the later empire and that both changed character in the process, i.e., they became more systematic and less "popular." The explanation for their increased respectability lies not only in their increased intellectual content but also in the changed make-up of the social classes themselves; cf. J. Gagé, *Les classes sociales dans l'empire romain* (1964).

125 Here I must express disagreement with two of Herr's conclusions as stated in his article, "Dialogues between Sages and Roman Dignitaries" (above, n. 123): first, that "during the long period beginning around 200 A.D. in which Judaism was downtrodden, despised and degraded, the phenomenon of dialogues between Jewish Sages and Roman leaders almost ceased to exist" (p. 149); and second, that in the period after 135 "instead of the respect previously shown, the attitude of the Romans turned into one of contempt" (p. 145). I am not qualified to judge whether such a dramatic shift appears in a significant number of clearly

of the period. Nonetheless, whenever we do find information it points to a positive, even if not a continuous dialogue. Conversely, I take the absence of negative voices from the pagan side to indicate that while the dialogue may have been more active at certain times, e.g., under the Severans and later under Julian, it was rarely hostile. Secondly, in none of the figures whom we have considered was Judaism the dominant concern, though in several, e.g., Numenius, Julian, and the authors of the magical papyri, it was an important aspect of their work. Finally, it is also true that the focus of attention was ancient rather than contemporary Judaism. The general rule, especially in the earlier period, was that pagan writers spoke disparagingly of contemporary Judaism. Several authors, e.g., Strabo and Julian, even made a point of contrasting later Judaism unfavorably with ancient Israel.

Apart from the revolts against Rome, the one feature of later Judaism that elicited attention and even admiration was the sect of the Essenes. Pliny the Elder, who had accompanied Titus during the war in Judea, mentions them in his description of the Dead Sea:

To the west of the lake are the Essenes who avoid the shore because of its noxious character. They are a people unique in all the world and admirable among all, for they have no women or money, they have renounced all sexual love and their neighbors are palm trees. Each day their numbers are replenished again by the constant influx of new arrivals who are drawn to their customs as they tire of fortune's changes. Thus for thousands of generations—hard though it is to believe—there is an everlasting people among whom no one is born. Their fecundity is the renunciation of normal life by others (*HN* 5. 1f. 73).¹²⁶

Even Dio Chrysostom, according to the biography of Synesius, praised the Essenes "as a totally happy city located on the Dead Sea in the heart of Palestine."¹²⁷ Whether any of these authors had actually visited the Essenes or were instead dependent on second-hand reports, they saw in the Essenes living examples of the ideal of withdrawal (*anachorēsis*) from mundane reality, a Jewish counterpart to the Pythagoreans, as Josephus would have it (*Ant.* 15. 371).

In contrast with earlier periods, the dialogue after 135 was also remarkably well-informed. Before the rise of Christianity there is no clear

datable midrashic and talmudic texts, e.g., the Midrashim to Esther cited by Herr in his article, "Anti-Semitism in Imperial Rome" (above n. 123). But at least from pagan sources, there is no evidence to support either of these contentions.

¹²⁶ The essential points of Pliny's report appear in the work of Solinus (third cent. A.D. ?), *Collectanea Rerum Memorabilium* 35.9–12 (p. 155 ed. Mommsen).

¹²⁷ *Dio.* 39 ed. Petau (Migne, PG 66, col. 1120).

evidence that any pagan author could claim a first-hand knowledge of the Jewish scriptures. At best they relied on oral reports, frequently from Jews, and at worst they repeated or invented rumors, bits of misinformation and hostile propaganda. Even Longinus, who preferred Moses to Homer in terms of his concept of god, may have known nothing beyond the single line he quotes from Genesis. With the advent of Christianity, and perhaps because of it, the situation changed. Celsus, Numenius, Porphyry, Julian, and perhaps Galen were versed in the Jewish scriptures and commanded critical insights rarely equalled among Jews or Christians.

All of this suggests that the period from Bar Cochba to Julian represents a new and perhaps unique phase in relations between pagans and Jews in the ancient world. Certainly this is the case in comparison with the views of Roman authors from Cicero to Tacitus or with the situation in Alexandria from Apion to the *Acts of the Pagan Martyrs*. The explanation for the contrast lies partly in the changed situation of the Greco-Roman world itself. The age of the Antonines (138–180), which coincided with the end of the last major conflict between pagans and Jews, enjoyed a degree of political, economic, and social stability that facilitated intercultural exchanges. Of course another element was the fact that the bases of Jewish political and military power (Jerusalem, Judea, Alexandria, and the fortress of Onias at Leontopolis)¹²⁸ had been dismantled. There can be little doubt that without this change no positive dialogue could have taken place.¹²⁹

But there were other factors as well. The rise of Christianity provided Rome with a source of concern which soon became a fixation. In the process Judaism seemed to grow in favor as Christianity grew in prominence. One of the reasons was Judaism's great antiquity of which all were well aware. Christianity tried to circumvent this obvious handicap by its claim to be the new Israel, but on this point it failed to persuade most of its critics and certainly not Julian. To the Christian assertion that the Jewish scriptures themselves had prophesied the ultimate abrogation of the law, he replied angrily,

That they say this falsely I will clearly show by quoting from the books of Moses not merely ten but ten thousand passages where he says that the law is for all time (c. *Gal.* 319D).

128 Cf. Joseph., *BJ* 7 420 ff. The so-called "Land of Onias" was finally abolished in 73 A.D.

129 See the important observations of I. Heinemann, "Antisemitismus," *RE Suppl.* 5 (1931) pp. 17 f., 39, to the effect that pagans seemed willing to accept the anomalous status of Jews as quasi-citizens who were exempt from certain civic responsibilities provided that the size of the community did not become too large. Cf. also Avi-Yonah, *Geschichte* pp. 33 ff.

A related factor lay in the fact that Judaism, unlike any form of paganism, possessed a fixed canon of ancient scripture.¹³⁰ In an age which accorded great authority to the written word, particularly if it originated in the hoary past, the Jewish canon exerted considerable appeal in certain circles, most notably among Neoplatonic philosophers. Still another factor was the shift of social and geographical forces in the late Empire. The first two centuries of imperial power had seen the virtual disappearance of the old Roman aristocracy and the emergence of a new aristocracy drawn largely from the provinces.¹³¹ This social transformation led not only to a loosening of traditional Roman values but to an environment which tolerated and occasionally encouraged the establishment of non-Roman cults, particularly those from the East. This process reached its acme under the Severans who became the spokesmen for this new orientalism.¹³² Septimius Severus came from Leptis Magna in Lybia, his wife Julia Domna was by birth a Syrian priestess, and Heliogabalus took his name from El-Gabal, the sun god of Emesa in Syria. In the same connection we should also note that Numenius and Porphyry came respectively from Apamea and Tyre in the eastern Mediterranean.

Together these social, political, and religious factors created the environment in which dialogue could take place. But the dialogue itself was not created by the new conditions. In a real sense we can say rather that it picked up where it had been interrupted some two hundred years earlier. All too often the period from roughly 50 B.C. to 140 A.D. has been taken as the norm in judging relations between Jews and pagans in the Greco-Roman world. A rather different picture emerges, however, if we go back to the earliest contacts in the fourth and third centuries B.C. Theophrastus (apud Porph., *Abst.* 2.26), Megasthenes (apud Clem. Alex., *Strom.* 1.72.5), and Clearchus of Soli (apud Joseph., *Ap.* 1. 176 ff.) regarded the Jews as a nation of philosophers. Hecataeus of Abdera (apud Diod. Sic. 40.3) explained the departure of the Hebrews from Egypt in terms of their desire to worship god in a pure and holy manner. Varro (apud August., *De Civ. Dei* 4.31) says that the ancient Romans, like the Jews, worshipped without images and adds that if the practice had continued there would have been none of the fear and folly later

130 See the comments of O. Murray (p. 263 of review cited above in n. 124) on the similar appeal of Christianity as a "religion of the book."

131 On the social transformations in the second and third centuries see J. Gagé, *Les classes sociales dans l'empire* (1964) and A. H. M. Jones, "The Social Background of the Struggle between Paganism and Christianity," in *Paganism and Christianity in the Fourth Century*, ed. A. Momigliano (1964²) pp. 17-37.

132 On the syncretism of the Severans see A. D. Nock, "The development of Paganism in the Roman Empire," *CAH* 12 (1939) pp. 413 f., 416 f.; cf. also Nock, *Conversion* (1933) 128 f. and F. Cumont, *Oriental Religions in Roman Paganism* (ET 1911).

associated with religion. There was, in fact, among Greek and Roman intellectuals a long history of admiration for Jewish monotheism and worship dating from the first encounters of Judaism with Greco-Roman civilization. Thus it seems only natural that the same motifs should reappear in what we may now call the later stage of an old dialogue.

The one feature that distinguishes the later stage is the tendency among philosophers of the Platonic tradition to cite allegorical interpretations of Jewish scriptures to support particular arguments. Here the effects of Jewish apologetics are clearly visible. V. Tcherikover, it should be noted, has denied that Jewish apologists had any influence at all on outsiders, arguing that their efforts were intended entirely for internal consumption.¹³³ If we judge only by the number of pagan authors who cite apologists by name, we arrive inevitably at a similar conclusion, for excepting Porphyry's use of Josephus, there is no direct evidence that non-Jews ever read these works. There is, on the other hand, a certain amount of indirect evidence. The sources on which Hecataeus and Strabo based their accounts were clearly apologetic in flavor, though probably not written. The statements of Hermippus, a Peripatetic author of the third century B.C. (apud Josephus, *c. Ap.* 1.64 f.), and Antoninus Diogenes, in Porphyry's *Life of Pythagoras* (*Vit. Pyth.* 11), that Pythagoras derived parts of his philosophy from the Jews, mirror the standard apologetic claim that Greek civilization was copied from the ancient Hebrews.¹³⁴ Finally, the method of using the Jewish scriptures, and the book of Genesis in particular, as a source for philosophical ideas was the keystone of Philo's enormous apologetic enterprise. Whether this conception entered the pagan world directly through Philo¹³⁵ or indirectly through Christian exegetes, we know that it influenced Numenius and later Neoplatonists. Among these figures the dialogue of paganism with Judaism reached its highest and most characteristic level and with them it came to an end.

133 "Jewish Apologetic Literature Reconsidered," *Eos* 48 (1956) pp. 169-193.

134 Cf. J. Pépin, "Le 'challenge' Moïse-Homère aux premiers siècles chrétiens," *RevSciRel* 29 (1955) pp. 105-122.

135 So Dodds (above n. 70) and Waszink (above n. 65). E. Norden, *Das Genesiscitat in der Schrift vom Erhabenen* (Abhandlungen Berlin, Spr.-lit.1; 1955) pp. 16 ff. argued that Longinus may well have known Philo during the latter's visit in Rome as leader of the delegation of Alexandrian Jews to Gaius.

THE USES OF SORITES (*CLIMAX*, *GRADATIO*) IN THE TANNAITIC PERIOD*

HENRY A. FISCHER
Indiana University

INTRODUCTION

From approximately 50 B.C. to 200 A.D., i.e., from the late Roman Republic to the rule of the Severi, a span of time coeval with the proto-tannaitic and tannaitic periods, a certain Greco-Roman rhetorical and literary device, the sorite (sorites, *climax*, *gradatio*), gained general acceptance and wide popularity, both in literary theory and rhetorical practice, and became influential far beyond its earlier geographical origins.

It is the purpose of this article to suggest that the tannaitic and New Testament instances reflect the fashionableness, variety, structure, and function which the sorite possessed in Greco-Roman rhetoric and rhetorical literature of this period and are, with some exceptions, dependent upon the Greco-Roman models.

The sorite is a set of statements which proceed, step by step, through the force of logic or reliance upon a succession of indisputable facts, to a climactic conclusion, each statement picking up the last key word (or key phrase) of the preceding one.¹

Pirqe Aboth 1.1 is a prominent tannaitic instance:

Moses received the Torah from Sinai
and delivered it to Joshua,
and Joshua to the Elders,
and the Elders to the Prophets,
and the Prophets delivered it to the Men of the Great Assembly.

* Hebrew, Greek, and Latin proof texts (with some exceptions) have been omitted for reasons of economy and in view of the comparatively easy accessibility of almost all passages. In compensation, all translations are almost over-literal.

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1 Both sorite and sorites are a singular of the English loanword, derived from the Greek *sōreitēs* or *sōritēs* via the Latin loanword (from the Greek) *sorites*, *ae*, *am*, literally "heaper," "accumulator" (original Latin: *acervus*, *acervalis*, "heap"). As will presently become apparent the use of the term *climax* or *gradatio* would be less ambiguous. Lane Cooper named his charming article which treats this literary device in the post-Renaissance period (with a few de-

The repeated key word is here, as so often, a noun or name, but it may also be a brief phrase, a verb, an adjective, or even an adverb.²

The Greco-Roman critics considered the sorite(s) to be a *schēma* or *figura*, i.e., a basic constituent of good and effective speech (or good writing),³ and preferred to call it by terms which indicated the nature of this literary device:

Latin: *gradatio*, *gradatus*, i.e., "gradation," or
ascensio, *ascensus*, i.e., "ascension," or
catena, i.e., "concatenation";

Greek: *klimax* (*climax*), to *klimakōton schēma*, i.e.,
 "ladder," "escalation," or
epiplokē, i.e., "plaiting together," "interlacing," or
epoikodomēsis (with Aristotle), i.e., "building up."⁴

tails concerning the ancient world) appropriately "The Climax," *Sewanee Review*, 32 (1924), 32-43.

The term "sorite" has been retained in our study owing to its acceptance in biblical scholarship from the 19th century on. In philosophy, classical studies, and comparative literature, however, the term sorite is reserved exclusively for a certain type of fallacious syllogism. Since this "sophistic" sorite could be formulated as a *climax* and apparently became the model for several types of *climax*, the term sorite was applied by some modern scholars also to these later forms, from the mere rhetorical ornament to the independent miniature genre. (On the beginnings of this confusion with Cicero and Seneca, see *infra*).

The (wider) term sorite for all these forms is thus used in brief mentions by R. H. Charles, *The Apocrypha and Pseudepigrapha of the Old Testament*, vol. 1, (Oxford, 1913), pp. 544 f., n. 15; H. L. Strack, Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch*, vol. III (Munich, 1959 [1926]), p. 222 (also Index, vol. IV.2, s.v. "Kettenschluss"); Joseph Reider, *The Book of Wisdom* (N.Y., 1957) p. 104, n. on 6.17; and others.

2 The adverb is very rare. An example is Cicero, *pro Publio Quintio* XII.40. Occasionally freer mixed forms appear: a noun or verb may be continued by an adjective of the same root, cf. Shakespeare (who consciously and masterfully continued ancient patterns), *I Henry IV*, II.4 (418 ff., exchange between Falstaff and Prince): "...craft? ...crafty ...villany? ...villanous ..."

3 Detailed technical treatment of this complex subject and of rhetorical theory in general are found in the major works on ancient rhetoric and theory, such as Richard Volkmann, *Die Rhetorik der Griechen und Römer* (Hildesheim, 1963, Leipzig, 1885)²; Heinrich Lausberg, *Handbuch der literarischen Rhetorik* (Munich, 1960); J. B. Hofmann — Anton Szantyr, *Lateinische Syntax und Stylistik* (Munich, 1965); the works of Gualtiero Calboli, esp. (*Cornifici*) *Rhetorica ad C. Herennium* (Bologna, 1969); A. D. Leeman, *Orationis Ratio* (English, on Roman theory and practice). (Amsterdam, 1963); and the works of Karl Barwick, especially *Probleme der stoischen Sprachlehre und Rhetorik*, *Abhdlgn. d. sächs. Akad. d. Wissenschaften z. Leipzig*, philos.-hist. Kl., XLIX.3 (Berlin, 1957).

Less technical are M. L. Clarke, *Rhetoric at Rome* (London, 1953); George Kennedy, *The Art of Persuasion in Greece* (Princeton, 1963); G. M. A. Grube, *The Greek and Roman Critics* (Toronto, 1965).

4 In this article the distinctions between *climax* and the related phenomena of *auxēsis-additio*, *anadiplosis-reduplicatio*, and *epanaphora-repetitio* (and their

The modern critics, like the ancients, introduce the sorite through definitions and explanatory phrases. Among these we find thus "progressive structure of language expressing ascending progress of thought" (Ruether), *Kettenschluss* (Strack-Billerbeck), and *Kettenspruch* (Pohlenz), *ab bc cd*, etc. (Grube), ... $x/x \dots y/y \dots z$ (Lausberg), and "cumulative series of syllogisms ..." (Reider).⁵

It seems that the Greco-Roman sorite has multiple origins: (1) a primitive type of narrative found in early logography,⁶ (2) the rhetorical sorite of "bloated speech,"⁷ and, above all, (3) the (in)famous logical

equivalents with various authors) will only be mentioned where the discussion requires it.

5 R. R. Ruether, *Gregory of Nazianzus*, (Oxford, 1969), p. 63, n. 1; Strack-Billerbeck, *op. cit.* (above, n. 1), *loc. cit.*; Max Pohlenz, *Die Stoa*, vol. I (Göttingen, 1964[1959])³, p. 51; Grube, *op. cit.*, p. 119, n. 1; Lausberg, *op. cit.* (above, n. 3), vol. I, p. 315, n. 623; Reider (above, n. 1).

For the definitions and illustrations of the ancients cf. the standard works listed *supra* (n. 3) and, preferably, the editions of the original works of the ancient theoreticians mentioned *infra*, nn. 10-11.

6 According to Aristotle, the *lexis eiromēnē*, i.e., accumulative diction, is inferior to the structured artful prose. The former uses parataxis and repeats preceding words unnecessarily. It is found in the old Greek logography until Herodotus (cf. Eduard Norden, *Die antike Kunstprosa*, vol. 1 (Darmstadt, 1958 [1898]) pp. 36 f.) and resembles somewhat a certain simple, slow-moving, repetitive narrative style of folktales (Norden, p. 37, n., gives, among others, a Turkish example).

The anonymous [Ps.-Cornificius or Ps.-Cicero] *Auctor [Rhetorica] ad Herennium*, writing probably between 88 and 82 B.C., so Harry Caplan in his exemplary "[Cicero] Ad C. Herennium," *Loeb Classical Library* (London, Cambridge, 1954), likewise stresses the necessity of brevity, I.ix.14, and warns us against "saying a thing more than once" (thus discouraging the use of the sorite). An example of how not to proceed follows (as to the probable source cf. Eduard Norden, *Agnostos Theos*⁴ (Darmstadt, 1956 [1912]), pp. 377 ff.):

From Athens to Megara by the eve came Simo;

Reaching Megara, a trap he laid for the maiden;

once he had laid the trap, right there he forced her.

(A very similar erotic-seductive incident in Shakespeare's *As You Like It*, V. 2, 30-38, likewise formulated as a sorite [the words "degrees," "staires," and "climbe" refer playfully also to the literary form] is, however, unrelated to this type of sorite and belongs to a different soritic tradition, cf., *infra*, II, "The Catastrophic Sorite.")

The "approved" sorite is never used to relate facts which were unknown previously, since the listener (or reader) is to be induced, step by step, to accede to the logical force of the proposition on the grounds of *known* facts which are used for new insights.

7 This is partially identical with the ancient criticism mentioned in the preceding note. Quintilian, 1st century A.D., in his "Institutio Oratoria," IX.iii.54, H. E. Butler, *Loeb Classical Library* 4 vols. (London, Cambridge, 1921), states that *gradatio* is too obvious and not natural enough for frequent application. It involves *additio*, i.e., repetition of what already has been said. Nevertheless, he lists a number of models, apparently with approval (among them Demosthenes,

fallacies and sophisms of some philosophical schools expressed in soritic form.⁸ All these, however, were regarded with disfavor. Finally, more literary and artful forms developed which were partly dependent on the former. These new forms won complete acceptance⁹ if not near-

Scipio, Homer, and a Latin imitator of the latter) unless this listing is offered merely to complete his treatment of rhetorical devices.

8 Cf. n. 1, *supra*. The transition to the rhetorical-literary form of *climax*, however, is indicated in Cicero's *de finibus* IV.xviii.50. Here Cicero (106–43 B.C.) uses the term *sorite* for the older Stoic fallacious syllogism of which he disapproves (cf. also *Academica* [Lucullus] II.xvi.49 f., xxviii f. 92–95, xxxiii.107, xlviii.147; *de divinatione* II.iv.11) but presents a fully spelled-out model sorite of the sophistic type which he formulates in the style of the “new” rhetorical-literary *climax*: *Iam ille sorites [est]*, “and this [proof], too, is a sorites,”

what is good is to be wished,

what is to be wished is to be desired,

what is to be desired is laudable,

“[and] thereafter [all] the remaining steps (*gradus*) . . .”

He points out, however, that the proposition “what is desirable is laudable” is a logical fallacy and thus rejects the entire unit. Cf. Seneca's similar criticism of the Stoic syllogisms, *Ep.* 83.9; 49.8; and *de beneficiis* V.xix.9 as well as Aulus Gellius (c. 130–180 A.D.), *Noctes Atticae* I.ii.3–5; XVIII.ii.9.

Among the ancients the term *sorite(s)* thus always means the (over-) dialectical (fallacious) logical syllogism, cf. Diogenes Laertius, *Lives* . . . I.108 and Eduard Zeller, *The Stoics, Epicureans and Sceptics* (N.Y., 1962 [1879]), p. 120 and n. 3. Lucian (c. 120—after 180, *Symposium* or *The Lapiths* 23, in *Lucian*, Harmon-Kilburn-Macleod, 8 vols., London, Cambridge, 1961 [1913]) alludes deprecatingly to the *sorite* (*acervalis*), the “heap,” which is here a famous specific fallacy: the proof that a heap may have one grain, arrived at by gradual (cf. *gradatio*) subtraction (it could have been expressed, among other possibilities, as follows: You admit that twenty grains are a heap; if you admit twenty, you must admit twenty minus one; if you admit twenty minus one, you must admit twenty minus two, etc., until one is lead to assert that twenty minus nineteen form a heap). This fallacy was created by Eubulides or Chrysippus, see Diogenes Laertius VII.187.

Some of these sorites were so well known that they acquired by-names: the Master; the Mowers; No Man; the Horned one, etc., cf. Diogenes L. VII.44, 82, and Aulus Gellius, as *supra*. Horace, *Ep.* II.i.47, refers to two fallacies, among them *ratione ruentis acervi*, “by the reasoning of the falling heap.” The only way to escape the fallacious logic of the sorite was to fall silent and refuse to answer the questioner.

The use of the term *sorite* in modern logic is of no concern in this article.

9 *Rhetorica ad Her.* finally concludes that the sorite (i.e., *climax*, *gradatio*) is attractive, IV.xxv.35 and Ps.-Longinus' *On the Sublime* XXIII.1 (*Peri hypsous*, 1st ct. A.D.?) declares it and related forms to be most effective in the rhetorical contest, enhancing elegance, sublimity, and pathos (ed. D. A. Russell, Oxford, 1964).

(Ps.-) Demetrius of Phaleron (Phalerum), “*On Style*,” (*Peri hermeneias*, date and authenticity still controversial, probably anonymous, late 1st century B.C. or early A.D.) had listed the “*klimax*” under the “forceful” figures (n. 270, ed. Ludwig Radermacher, *Demetrius Phalereus de elocutione* (Stuttgart, 1967 [1901]), p. 55, cf. G. M. A. Grube, *A Greek Critic: Demetrius On Style* (Toronto, 1961), p. 121. (Grube believes he work to be authentic and early Hellenistic).

canonicity in the textbooks and *progymnasmata* of nearly all leading critics and grammarians from approximately 50 B.C. to 500 A.D.¹⁰ and their epigones thereafter,¹¹ especially in view of the fact that some im-

Aristotle, *Rhetoric* I.vii.31, 1365a, had previously declared "combination (accumulation)" and, apparently with it, *epoikodomēsis* (*climax*) to be of great advantage. (More on Aristotle, *infra*.)

10 Among the major ancient treatments of rhetorical theory and practice that are still extant and refer to the *climax* (s.v. *klimax*, *gradatio*, etc.) are: Aristotle's *Rhetoric*, ed., tr., J.H. Freese, London, Cambridge, as "*Art*" of *Rhetoric* (1926); *Rhetorica ad Herennium*, as *supra* (above, n. 6); Cicero, *de oratore*, ed., tr., E.W. Sutton, H. Rackham, 2 vols. (London, Cambridge, 1942), (mere mention of *gradatio*); Quintilian, *Institutio oratorica*, as *supra* (above, n. 7); (Ps.-) Demetrius, as *supra* (above, n. 9); Rutilius Lupus, 1st ct. A.D., *de figuris sententiarum et elocutionis*, ed. Edw. Brooks Jr. (Leiden, 1970), *Mnemosyne*, *Suppl. XI*, s.v. *epiploke*, I.13, p. 17. [Cf., further, n. 9, *supra*].

Influential both as a theoretician (*Peri ideōn*; reference: to *klimakōton schēma*, Rabe, p. 304) and a compiler of handbooks (among them *progymnasmata*) is Hermogenes of Tarsus, 2nd ct. A.D., ed. H. Rabe, *Opera* (Leipzig, 1913). A child prodigy, he was famed at an early age when the emperor Marcus Aurelius travelled to hear him. Equally influential were the *progymnasmata* of Theon of Alexandria, a contemporary of the former, and Aphthonius of Antioch, 400 A.D., cf. Chas. Sears Baldwin, *Medieval Rhetoric and Poetic* (N.Y., 1928). Others active between 100 and 300 A.D. were Alexandrus (*Peri schēmatōn*, possibly under Hadrian with later additions); Menander; Tiberius; (Ps.-)Herodianus; Polybios of Sardes; the Christian (Ps.-)Zonaius; and three anonymi *Peri schēmatōn*. Text editions: Leonard Spengel, *Rhetores Graeci*, esp. vol. III (Leipzig, 1856 [Frankfort, 1966]); Christian Walz, *Rhetores Graeci* (Stuttgart, 1832–1836), esp. vols. I, III, VIII, IX.

Among additional Latin writers are Aquila Romanus, 3rd century; Iulius Rufinianus, 3rd century; *Carmen de figuris vel schematibus*, c. 400; Victorinus, 4th century; Rufinus, 5th century. Texts: Carl Halm, *Rhetores Latini Minores* (Leipzig, 1863) (recent reprint, Dubuque); H. Malcovati, *Oratorum Romanorum Fragmenta* (Turin, 1955); H. G. T. Keil, *Grammatici Latini*, 8 vols. (Hildesheim, 1961 [1855–1880]).

On most of the aforementioned cf. A. F. v. Pauly—Georg Wissowa, *et al.*, *Realencyclopädie der classischen Altertumswissenschaft*, c. 70 vols., Stuttgart, in progress; Wilhelm Schmidt—Otto Stählin, *Geschichte der griechischen Literatur* . . . , 7 vols. (Munich), in progress (*Handbuch der Altertumswissenschaft*); M. Schanz—C. Hosius—G. Krüger, *Geschichte der römischen Literatur*, 5 vols., varying editions (Munich, 1914–1935) (*HdA*).

11 The epigoni would make an unending list: Fortunatianus; Aurelius Augustus; Sulpicius Victor (late Latin), etc. Nicolaus Sophistes, fl. c. 450, and Isidor(e) (Bishop) of Seville, 6th century, have interesting older material on the *climax*. On others cf. Spengel, Halm, Hofmann-Szantyr, v. Christ (Schmidt-Stählin), *opp. cit.* Grammars, style books, and handbooks remained popular and went continuously through new editions and translations (into Latin and Greek, respectively) finally to enter the European vernaculars, especially during the Renaissance and the Enlightenment, cf. Baldwin, *op. cit.* (above, n. 10), *passim*, and D. L. Clark, "The Rise and Fall of Progymnasmata in Sixteenth and Seventeenth Century Grammar Schools," *Speech Monographs* 19 (1952), 259–263.

Of the Latin translation of Aphthonius alone, there were 114 different print-

pressive and sophisticated instances could be adduced from the early "classics," i.e., Homer, Epicharmus and Demosthenes.¹²

This new "approved" sorite, now called *climax* or *gradatio* had by then apparently become an independent literary form, i.e., a miniature genre that could be imitated or transplanted from speech to speech and from tractate to tractate. The claim can be made that several more or less distinct types of *climax-gradatio* (still called sorite in this article) had become discernible.¹³ As such they met the rising rhetorical efforts of early talmudic thinking and early Christianity.

Type I: The Transmissional Sorite

Pirque Aboth 1.1 and its variant versions belong to a soritic pattern which we could call Type I or, for want of a better term, transmissional sorite. This soritic category presents a succession or chain of known personalities [or places]. It so happens that a classical Greco-Roman model became most prominent in our period through its inclusion in many rhetorical works and handbooks, such as Quintilian's *Institutio Oratorica* (IX.iii.57), Alexandrus (Spengel, III, p. 31), (Ps.-)Herodianus (pp. 99 f.), Tiberius (p. 72), *Anonymus Peri Schematon* (p. 133), "Zonaius" (p.

ings from 1507 to 1680; and a curious anthology of models and exercises of different Greco-Roman authors including Aphthonius became the most popular rhetorical textbook of the 16th and 17th centuries (first edition 1542) the second edition of which "was printed at least 73 times from 1546-1689" (Clark, *SM*, p. 261). This covers the life time of Shakespeare (1564-1616) who used the *climax* frequently and masterfully, cf. *As You Like It*, III.2.39-43 (apart from V.2.30-38), V.4.47-87, 88-97; *Hamlet*, II.2.146-151; *1 Henry IV*, see n. 2, as well as II.1.74 ff. (Gadshill); *Henry V*, V.2.168 ff.; *Pericles*, IV.2.109 ff. (the Bawd); *Much Ado About Nothing* 1.1.54-60; *Troilus and Cressida*, III.1.120 ff. (Paris); *Love's Labour's Lost*, IV.1.80 ff.

Cf. Brian Vickers, *The Artistry of Shakespeare's Prose*, London, 1968 (Index: s.v. *gradatio*); on Shakespeare's immediate sources see T. W. Baldwin, *William Shakspeare's Small Latine & Lesse Greeke* (sic!), 2 vols. (Urbana, 1944), esp. vol. II, chapters XXXI-XXXVII, pp. 1-238.

Thanks are due to Professors Roy W. Battenhouse and Melvin L. Plotinsky of Indiana University for valuable hints regarding Shakespearean bibliography.

12 In detail, *infra*.

13 These distinctions are made for the first time in this article and worked out in some detail. The criteria for these distinctions, i.e., for these types of sorite, will become obvious in the course of the discussion. They may be roughly anticipated here: the putative origin of a type; its content (or typical theme); its structure and stylistic peculiarities; and, finally, its specific purpose, function, and effect.

In some few cases a partial overlapping of these types could not be avoided. Nevertheless, the nature of the extant material seemed to justify the present categorization in spite of its obvious inherent weaknesses.

166), and others. It is a passage from Homer's *Iliad*, II.102 ff., on the transmission of the Scepter of rulership fashioned by Hephaistus, god of fire.¹⁴

Hephaistus provided¹⁵ to King Zeus, the Cronide,
 Zeus provided the Argeiphontic Courier [Hermes],
 Lord Hermes¹⁶ provided the horse-driver Pelops,
 Pelops, in turn, provided the people's shepherd Atreus,
 Dying Atreus left to flock-rich Thyestes,
 Thyestes, again, left to Agamemnon, to bear,
 To rule many islands and all of Argos.
 On his Scepter leaning he spoke...¹⁷

The Hebrew and the Greek sorites have in common the mention of the divine origin of the gift, its transmission, intact, from recipient to recipient, and the sudden transition to a pronouncement by the last recipient. The direct object is avoided in the Homeric verses. This is true, too, for the continuation of *Pirke Aboth* 1.1 in 1.3,4,6,8,10,12 which trace the transmission after the Men of the Great Assembly to Hillel and Shammai, and, significantly, for the entire important variant in *Aboth deRabbi Nathan*, Version A.¹⁸ Eusebius of Caesaria, c. 250–340,

The classification of sorites made in this article are, of course, not those of the ancient theoreticians. Isidor(e) (cf. nn. 83 and 87, *infra*) distinguishes between sorites which repeat one word and those which repeat a phrase. The rhetorical and esthetic effects of sorites formulated positively and negatively were, as we shall see, an issue with the analysts of Demosthenes' sorite (n. 76, *infra*). There is occasional mention of the fact that the Homeric (and some other) instances are poetry rather than prose. The recognized usage of synonymy also represents such a critical insight (n. 16, *infra*).

14 For details on this Scepter see Pauly-Wissowa, *Realencyclopädie*, Zweite Reihe, 3. Halbband (Stuttgart, 1921), 369.

15 This translation mirrors the particular syntax of the passage, i.e., a construction without the direct object which, in this case, is the Scepter.

16 The replacement of a soritic link by a synonym is accepted by the ancient theoreticians, as their continuous listing of the Homeric model indicates. Aelius Aristides thus uses synonyms in sorites: *orat.* XLV.102 and XII.84, Dindorf. Alexandrus, *loc. cit.*, expressly mentions the instances of synonymy in the Homeric model as permissible.

17 The pronouncement of the last recipient follows.

18 ed. Solomon Schechter (N.Y., 1945): "Joshua received (no direct object) from Moses (scriptural proof follows),"

the Elders received from Joshua...

the Judges received from the Elders...

the Prophets received from the Judges...

Haggai, Zechariah, and Malachi received from the Prophets...

the Men of the Great Assembly received from Haggai, Zechariah and Malachi

and they said three things... (pp. 1 f.).

Version B, p. 2, offers "Haggai, Zechariah, and Malachi handed over to the Men of the Great Assembly."

quoting Clement of Alexandria, c. 150– after 200, sketches the apostolic succession of the early Church in a similar sorite which is clearly dependent on both the Hebrew and the Greek. He likewise omits the direct object.¹⁹ Both in Homer and *Pirqe Aboth* there are five initial recipients after the supreme deity had dispensed the gift.

In the light of this material²⁰ it does not seem impossible to assume that the passages *Pirqe Aboth* 1.1 ff. and *Aboth de Rabbi Nathan* A initially still reflected the purpose of the Greco-Roman models, i.e., not only to illustrate the route of transmission but also to ascertain the authentic possession of the god-derived object and with it, the legitimate claim of its possessors to rule, a claim which is also otherwise made for both the Greco-Roman *sophos*-sapiens and his tannaitic counterpart, the *Hākhām*.²¹

A significant historical fact seems to confirm the closeness of this Hebrew sorite to Greco-Roman situations. During the early Roman

The inverted soritic scheme of Version A, i.e., the scheme BA, CB, DC, etc., may have been necessitated by the use of the verb “receive” (*kibbel*) instead of the verb “deliver” (*māsar*). Such inverted forms of the *climax*, however, are found also with expert Greco-Roman rhetoricians and other writers, as, e.g., Gregory of Nazianzus (an example with Ruether, *op. cit.*, p. 63, text) and earlier, Vergil, *Aeneid* III.251 f. (likewise a transmission sorite!):

quae Phoebus pater omnipotens,
mihi Phoebus Apollo praedixit,
vobis Furiarum ego maxima pando
“What to Phoebus the Father Omnipotent
[And] to me Phoebus Apollo foretold,
To you, I, the Chief of the Furies, reveal.”

19 *Hist. Eccl.* II.1.4 quoting *Hypotyposes* VII (“Outlines”). Clement died before 215. He stayed briefly in Palestine during his enforced absence from Alexandria. The sorite is as follows:

After the resurrection the Lord gave the [tradition of]
knowledge to James the Just, John, and Peter;

These (synonymy!) gave [it!] to the other Apostles,

And the other Apostles to the 70 of whom Barnabas was also one.

Cf. the last phrase with *Pirqe Aboth* 1.2, “Simon the Just was one of the last (or ‘survivors’ or ‘remnants’) of the Great Assembly.” Cf. *paredōken*, *paredōkan* with Homer’s repeated *dōke*. Cf. the 70 with the [70] Elders of *Pirqe Aboth*.

20 Further instances of Type I, i.e., the transmissional sorite, are another Homeric example, *Iliad*, XIII.450 ff., the succession of Cretan rule involving Zeus — Minos — Deucalion — Idomeneus; an anonymous Latin instance quoted by Quintilian, IX.iii.57 (the succession Jove — Tantalus — Pelops — Atreus); and the Vergilian contribution, *supra*, n. 18. Iulius Rufinianus, *de schematis lexeos*, Halm, p. 53, n. 19, lists the latter among his two Vergilian examples for the *klimax* (his technical terms are given in Greek as are those of Rutilius Lupus and frequently enough of Cicero and Quintilian).

21 Cf. H. A. Fischel, “Story and History: Observations on Greco-Roman Rhetoric and the Pharisees,” *American Oriental Society, Middle West Branch Semi-Centennial Volume*, ed. Denis Sinor (Asian Studies Research Institute, Indiana University, Oriental Series n. 3, Bloomington, Ind., 1969), pp. 80 ff.

Empire an earlier established literary habit reached its peak: the attempt of the ancient professionals to compile lists of succession (*diadochē*) which illustrated the assumed transmission of a school tradition. Thus, before the middle of the second century A.D. (well before the codification of the Mishnah), Sextus Pomponius in his *Liber singularis enchiridii* (extracts of which are included in the *Digesta* of Roman law, e.g., I.2.35–53) assembled a chain of Roman jurists and, from a certain point on (I.2.47), listed pairs instead of individuals, a phenomenon paralleled in the first chapter of *Pirque Aboth*. A succession of physicians is listed in (Aulus Cornelius) Celsus' *Medical Art*, Proem. 8 (under Tiberius, 14–37 A.D.).²² Best known, however, are such lists of the philosophers, especially from the work of Diogenes Laertius (c. 250 A.D.) who follows earlier Hellenistic patterns and sources. Some of the diadochic lists are soritic, e.g., the end of *Vitae*, IX.116:

From Menodotus learned Herodotus of Tarsus...

From Herodotus learned Sextus Empiricus...

From Sextus learned Saturninus...²³

A variant and in all probability a derivative of the transmissional sorite describes topographical situations in soritic fashion as, e.g., the transmission of the fire signals from the Mount of Olives to the Babylonian Diaspora in Mishnah *Rosh ha-Shanah* 2.4,²⁴ or the stepwise withdrawals

22 Much of this material on the chains of tradition stems from the renowned article "La chaîne de la tradition pharisienne," by E. Bickerman, *Revue Biblique* 59 (1952), 44–54. The former as well as Boaz Cohen discovered the "pairs" of Sextus Pomponius simultaneously, cf. B. Cohen, *Jewish and Roman Law*, I (New York, 1966), "Peculium in Jewish and Roman Law," 275 ff. Cf. Fischel, *op. cit.* (n. 21), p. 71 and n. 62.

23 The previous phrases of this passage are soritic only through the repeated employment of the synonymic "from whom" (*hou*; altogether 14, i.e., twice 7 names). The artificiality of the list is obvious. Other such *diadochai* in *Vitae*, Proem. 14: from Thales to Socrates; from Socrates to Clitomachus (the Academy); from Socrates to Chrysippus (the Cynico-Stoics); from Pherecydes to Epicurus (all employing *hou*). The famous Cynico-Stoic chain has seven names (pr. 15). Similarly, *Suda* (*Suidas*), the biographic and doxographic encyclopedia on ancient philosophers, lists fourteen links for the chain from Epicurus to Caesar's time. The first chapter of *Pirque Aboth*, likewise, offers fourteen intermediaries. The structure of Mt. 1, however, three times 14, may lean on I Chr. 5:29–41 (twice 14), since both are biological-hereditary and not "professional" chains. More, *infra*.

24 "...from the Mount of Olives to Sarṭeba, and from Sarṭeba to [A]grippina, and from [A]grippina to Hauran, and from Hauran to Beth Baltin..." This sorite is by no means "natural" and formed solely through the exigencies of the content. There would have been other means of expression, such as from the Mt. of Olives to Sarṭeba to Agrippina to Hauran to Beth Baltin or from the Mt. of Olives to Beth Baltin via Sarṭeba, Agrippina, and Hauran. The choice of the soritic form may have to be considered as influenced by the prevailing frequency of the *climax* in this period.

("Ten Ascents") of the Shekinah from the Ark Cover to the wilderness in *Aboth deRabbi Nathan*, ch. 34, A, Sch. p. 102.

One of the three soritic instances in the Hebrew Bible (apart from genealogical lists), Joel 1:3,

Tell about it to your sons,
and your sons to their sons,
and their sons to another (the next) generation

is vaguely reminiscent of the transmissional sorite but remains purely stylistic-oracular and occurs in bound speech (not as an independent unit), serving merely as an introduction to yet another sorite (1:4 on which more *infra*). It is apparently a chance occurrence which could not have generated the later mishnaic instances.²⁵

The genealogical list of Mt. 1:1-17, however, belongs to the soritic instances of our period. In fact, legitimacy, nobility, and with them, according to some views of the age, a measure of blessing, charisma, or soteriological significance ("*Heilsgeschichte*") are transmitted through genealogical lines.

To be sure there are a few approximations to this particular soritic form in the regnancy list of the Edomite kings in Gen. 36:31 ff. and 1 Chr. 1:43 ff.:

And Bela died and Jobab . . . reigned in his stead;
And Jobab died and Husham . . . reigned in his stead
(see 33 ff.).

Similarly, among the several different style forms employed in the genealogical tables of 1 Chr. 1 and 2, there appears also the sorite (of the "begats," 2:10 ff.). It must thus be assumed that for the necessity of maintaining genealogical lists an indigenous Israelite sorite was employed, among a number of other literary forms (especially of enumerative character) well before the Hellenistic period.

Yet although Mt. 1:1 ff. undoubtedly uses some stylistic properties of 1 Chr. 2:10 ff. or a related source (A begat B, etc.), the extensive, clear, consistent soritic form of the introductory Matthew passage should be considered a reflection of the taste of the age which, in the area under investigation, encouraged the use of all other types of sorite, whether indigenous or heterogenous. That the entire genealogy of Matthew re-

²⁵ It may, however, be vaguely reflected in the wording of an item in *Aboth deRabbi Nathan*, ch. 5, A, p. 26 (ch. 10, B, p. 26, the parallel, is quite different and non-soritic). This item reports that Antigonus of Soko had two disciples who used to study his words.

They taught them to [their] disciples
and [their] disciples to [their] disciples
(ms. var. of the latter: *their* disciples).

flects the taste (or convictions) of the time is further confirmed by the addition of the four women who also in the Midrashic tradition are worthy of a progeny of "prophets and righteous ones" in spite of some shadow in their past: Tamar, Rahab, Ruth, and the wife of Uriah.

Type II: The Catastrophic Sorite

The second soritic type could be called, equally inadequately, the catastrophic sorite. It lists and grades well-known evils or catastrophes and in this seems to formulate folk experiences, as, e.g., in Bab. Tal. *Baba Bathra* 10a, a tenfold item quoted by R. Judah b. Ilai, c. 150:

The rock is hard but the iron splits it;
the iron is hard but the fire softens it;

continuing with water, clouds, wind, body, fear, wine, sleep, death, and ending with a climactic positive Judaic value, i.e., charity—used here as an elemental force—which saves from death (Prov. 10:2). Similarly soritic is *Eccl. Rabba* VII.2 but ends with illness, angel of death, and, somewhat startlingly, the evil wife.²⁶ Death is the climax also in a sorite by Demosthenes, 384–322, *Orat.* LIV.19, against Conon, in the series vilifications, blows, wounds, death (murder). A parallel closer to our period is a Vergilian sorite which, however, is confined to phenomena of nature:

The stern lioness pursues the wolf,
the wolf, himself, the goat,
the lusty goat the flowering clover.²⁷

The oldest Greek example of the catastrophic sorite deals with human behavior. It is a frequently quoted item by the writer of comedy Epicharmus, after 500 B.C. Aristotle refers to it several times.²⁸ It is fully

²⁶ Cf. *Eccl. Zuta* VII.26, Buber 116.

The anti-climactic, startling, or witty and ironic conclusion of a sorite is also found in Greco-Roman literature:

To Africanus industry gave virtue,
virtue glory,
glory: rivals,

quoted in *Rhetorica ad Her.* IV.xxv.34 and Quintilian, IX.iii.56 (unknown Latin author; more, *infra*).

Eccl. Rabba and *Zuta* are, perhaps, not too far removed from the emphases of Wisdom Literature in which both the evil wife and the virtuous one play a considerable role.

²⁷ *Eclogue* II.63 f., the second Vergilian demonstration model in Iulius Rufinianus, *op. cit.*, Halm, p. 53, n. 19.

²⁸ *De generatione animalium*, I.xviii, 724a: "as Epicharmus makes the *epoikodomēsis* (climax, sorite) 'from slander, vilification; and from this the

quoted in our period by Athenaeus, 2nd century A.D., in his *Deipnosophistae*, II. 36c-d:

After the sacrifice a feast ...
after the feast, drinking,

and via mockery, insult, lawsuit, verdict to shackles, stocks, and fine.²⁹ Equally pertinent is a brief sorite within the aphorisms of (Ps.-?) Hippocrates, VII.87. This instance deals with diseases:

Those that medicines do not cure, the knife cures;
those that the knife does not cure, the fire cures;
those that the fire does not cure must be held incurable.³⁰

The talmudic items combine features of three themes of the catastrophic sorite: nature, human behavior, and disease, and their composition may have been stimulated by the prominence of the Greco-Roman sorite in our period. Nevertheless, in spite of this and of the fact that there are other talmudic parallels to Ps.-Hippocratic materials³¹ and to symposiastic literature³² independent creation (polygenesis) of the catastrophic sorite with Greeks and Jews cannot be entirely excluded, since evils and catastrophes of this sort are most likely to become the object of folk observation. The chain song *Had gadyā* is, of course, a late related form and is likewise found in several Western cultures.³³ In the Judaic form of this chain song, too, the sequence of evils is overcome by a still higher power.

brawl.' "Evidently, Aristotle does not quote the item in full but merely hints at it (it must have been well known). On the reconstituted Doric version cf. A. L. Peck, "Aristotle, Generation of Animals," *Loeb Classical Library* (London, Cambridge, 1943), p. 73, n. c. *Rhetorica* I.vii.31, 1365a, merely mentions that Epicharmus used our device. *Metaphysics*, Book *Delta* 1, 1013a, merely notes that the brawl comes from vilification without mention of the author; similarly 24, 1023a, end.

29 Demosthenes' sorite in "Against Conon." *Orat.* LIV.19, as *supra*, seems to be a descendent of Epicharmus' prestigious item. According to Cooper, *op. cit.*, pp. 37 f., Epicharmus' sequence is made concrete in Molière's *Le malade imaginaire*, in the initial domestic quarrel as well as in the plot of the entire play.

30 Molière offers a splendid farcical "medical" sorite in *Le malade imaginaire* III.6.

31 Thus the answers to the three questions directed to Hillel the Elder when on the grounds of a wager he is three times disturbed at his house, represent Ps-Hippocratic material. Cf. Bab. Tal. *Shabbat* 31a, *et al.*, and *Peri aerōn, hydatōn, topōn*, ch. XIV.

32 Reference is to Athenaeus who, as we have seen, quotes Epicharmus. On talmudic parallels to symposiastic materials cf. Siegfried Stein, "The Influence of Symposia Literature on the Literary Form of the Pesach Haggadah," *Journal of Jewish Studies* 8 (1957), 13-44.

33 On *Had gadyā* cf. Bernhard Heller, "Neues Schrifttum zur jüdischen Sagen- und Stoffgeschichte," *MGWJ* 81 (1937), 286-293, pp. 288 ff. (on Marti

There are, furthermore, biblical precedents for this catastrophic sorite. Hosea's consoling soritic oracle 2:23 f. (2:21 f.):³⁴ the Lord, again, "will answer the sky, the sky . . . the earth, the earth . . . the harvest (grain, wine, oil) and the harvest . . . Jezreel," implies, of course, a chain of catastrophes which will be reversed by divine action. Joel's artful soritic oracle in 1:4 which employs four increasingly (or decreasingly?) severe crop pests, *gāzām*, *'arbeh*, *yeleq*, and *hāsīl*, is the other biblical instance of the catastrophic sorite, likewise dealing with the harvest.

Although the biblical oracles do not have much of an afterlife in Hebrew tradition—they are not essential to the Midrash³⁵ and do not appear in any *haftarah*—their existence may have made the fashionable Greco-Roman sorites in the later period more easily acceptable. And although we find an apparently greater continuity in the Greco-Roman world in regard to this type of sorite and a greater accumulation in our period, and although Joel may have been affected by the West, an indigenous catastrophic sorite beyond this narrowly confined agricultural-oracular category is still quite possible. By no means, however, can the existence of this one type of sorite be made responsible for the sudden spread of diverse soritic types in the Hebrew literature of the tannaitic period. It must, further, be observed that Epicharmus, too, may have used original folk wisdom for his comedies, but all these materials finally became the property of the philosopher-rhetorician (who was often identical with the scholar-bureaucrat) of our period. Whatever their origins may have been, sorite, fable, proverb, parable, and *chreia*, are finally collected, analyzed, and applied by the scholar-bureaucracies of the period, whether in their Greco-Roman or Judaic embodiments.

The catastrophic sorite frequently includes links which are merely "elemental," i.e., elementary forces of the cosmos or basic phenomena of human life with no negative connotation. (The catastrophic sorite could thus also be called the elemental one.) One such Midrashic item, e.g., lists seven such elemental phenomena, arranging them in an ascending scale of evaluation (*Aboth deRabbi Nathan*, ch. 37, A, p. 109 and ch. 40, B, p. 120, top):

Haavio, *Kettenmärchenstudien*, I, 1929; II, 1932). Cf., further, Cooper, *op. cit.*, pp. 39 f.

34 Contrary to some opinions the Hosea passage is a genuine sorite. The implied catastrophic scheme would approximately be

The Lord did not answer (closed) the sky,
the sky (dried up) the earth,
the earth (withheld) the harvest,
the harvest (starved) Jezreel.

35 Cf. Aaron Hyman, *Torah ha-ketuvah ve-ha-masorah*, vol. II (Tel-Aviv, 1965/66 [1938/39]), pp. 255, 264 (transcription approximates that of Library of Congress).

There are seven created things, one superior to the other.
 Superior to all [B: the earth] He created the firmament.
 Superior to the firmament are the stars He created, . . .
 Superior to the stars are the trees He created . . .
 via winds, beasts and man [B: humans] to Ministering Angels.³⁶

Perhaps the medieval soritic item of the Passover Haggadah with the popular refrain *dayyenu* is a late form of this variant of the "catastrophic" sorite.

There are no Judaic instances of a catastrophic sorite that deal with the realm of love (in which catastrophes are not unheard of). Shakespeare who was fond of this specific kind of catastrophic sorite continues, a classical tradition in which Terence and Horace participate.³⁷

Type III: The Ethical and Ethico-Metaphysical Sorite

A third type of sorite appears in the Judeo-Christian sources of our period: it begins with a chain of ethical values (attributes, human qualities) and ends with a sudden transition to divine phenomena.

Thus Pinḥas (Phineas) b. Yair, c. 90 A.D., Mishnah *Soṭah* 9.15, said:³⁸

Eagerness leads to Cleanliness (cleanness or innocence),

36 The basic sentences are followed by the reason for the statement. The trees, e.g., bear fruit, the stars do not . . .

The catastrophic sorite apparently was always popular. An Amoraic example by R. Ḥiyya (many variants of this name in the editions and manuscripts) is an antiphonal altercation between Nimrod and Abraham (after the latter had destroyed his father's idols), Gen. R. XXXVIII.13 (Theodor-Albeck, I, p. 363):

Nimrod: "Let us bow to the fire . . ."

Abraham: "Let us rather bow to water which extinguishes the fire . . ."

Nimrod: "Then let us bow to the water . . ."

Abraham: "Let us bow to the clouds which bear the water . . ."

The dialogue continues with wind and man until Nimrod impatiently breaks up the exchange, proposes to worship the fire and has Abraham cast into the fiery furnace.

37 *Troilus and Cressida* (cf. n. 11, *supra*; on aphrodisiacs) and the famous account of Rosalind in *As You Like It*, V.2.30-38. This sorite is not dependent on the item on Simo, n. 6, *supra*, but probably has Terence and Horace as its source.

38 Cf. *Midrash Tannaim* on Dt. 23:15; *Cant. Rabba* I.1.9; *Midrash Proverbs* (*Mishlê*) 15.32; Jerus. Talmud *Shabbat* III, 47c; J. T. *Sheḳalim* I, 3c; Bab. Tal. 'Abodah Zarah 20b. On some of the variant readings cf. Adolph Büchler, *Types of Jewish-Palestinian Piety* (N.Y. 1968 [1922]), p. 42, n. 1. The same work discusses the precise meaning of the ethical terms involved. The ambiguities inherent in these terms, however, cannot be easily resolved and result in varying listings in the dictionaries and in a variety of translations. The first term, here given as eagerness, may be rendered also as scrupulousness (Jastrow), alertness, alacrity (Levy), and heedfulness (Danby). Some of the Pauline terms, Romans 5:3 ff., immediately *infra*, are equally difficult.

and Cleanliness . . . to Purity,
 and Purity . . . to Self-Control (abstinence),
 and Self-Control . . . to Holiness,
 and Holiness . . . to Humility,
 and Humility . . . to Fear of Sin,
 and Fear of Sin . . . to Saintliness,
 and Saintliness . . . to the Holy Spirit,
 and the Holy Spirit . . . to the Resurrection of the Dead
 (or immortality, life eternal).³⁹

A Pauline example occurs in Romans 5:3 ff.:

. . . afflictions work patience (endurance),
 patience, steadfastness,
 steadfastness, hope;
 hope does not deceive
 because God's love has been poured out . . . by the Holy Spirit.

A pre- or proto-tannaitic Jewish example is found in Wisdom of Solomon 6:17 ff., c. 50 B.C.–50 A.D. Speaking of wisdom, the author asserts

. . . the truest beginning of her is the desire for education,
 and the care for education, love [of her?],
 and love [of her] the keeping of her laws,
 and the observance of her laws, surety of immortality,
 and immortality makes one near to God.⁴⁰

39 An additional concluding statement "and the Resurrection of the Dead shall come through Elijah" and similar statements followed by various benedictory formulae are not found in all versions and may be of a later date. "Resurrection of the Dead" (*tehiyyath hammethim*) may here signify immortality and be in line with the sorite of the Wisdom of Solomon, *infra*. Cf. also A. Mishcon's translation "Life Eternal" in 'Abodah Zarah in *The Babylonian Talmud, Seder Nezikin*, vol. IV (London, 1935), p. 106.

"Holy Spirit" may here represent a certain exalted state of piety and nearness to the divine. This and the preceding interpretation understand the sorite as referring to the present and to be in conformity with all other instances of this type of sorite. It seems, however, that an eschatological interpretation is also possible and may have prompted the additions concerning Elijah. Such an approach is based on a literal understanding of the term Resurrection of the Dead, perhaps even on the use of the term Holy Spirit for prophecy. The eschatological meaning of the passage is, of course, intended in the mishnaic context which deals with eschatological situations. The understanding of the passage in the year 200, however, does not necessarily represent its original intention in the year 90, nor the original intention of this type of sorite.

Some medieval commentators see in the Holy Spirit the quickening force that leads to Life Eternal or the Resurrection of the Dead.

40 The result of the *climax* is summarized in 6:20: "So then, the desire for wisdom leads to a kingdom" (i.e., nearness to the divine). This summary apparently is an echo of the syllogistic sorite the thrust of which was the enforced proof. Desire and care (6:17), keeping and observance (6:18), and God and kingdom (6:19–20) are synonymous. This interpretation follows the struc-

Except for the final link(s), these examples seem to parallel a type of Greco-Roman sorite which offers a progressive list of ethical values and concludes with the *summum bonum* (or *malum*) of a particular system. A good example is found with Seneca, c. 5 B.C.–65 A.D., *Epistulae Morales* 85.2, who quotes an item of the Stoic school (but rejects it as fallacious):

Who is prudent is self-controlled;
 who is self-controlled is content;
 who is content is unperturbed;
 who is unperturbed is without sadness;
 who is without sadness is happy (*beatus*).⁴¹

This item remains "secular" throughout. It would be a grave mistake, however, to assume rashly a kind of religious or theological sorite peculiar to the Judeo-Christian sources, for even in this instance there is a Greco-Roman model available, a famous, moving, and efficacious passage by Cicero, *de legibus* I.vii.23 f., written in 46 or 45 B.C.: After having mentioned that man was created by the supreme God (*a supremo deo*) who gave him reason and prudence ("which are also wisdom") Cicero continues:

... the first common association of man and God is reason.
 Those who share reason share also right reason.
 Said [right reason] being Law
 men share Law, we must believe, with the gods.
 Those who share Law must share Justice
 and those who share these (synonymy) must be held
 members of the same commonwealth (*civitas*).⁴²

ture of such sorites but counters the opinions of Charles, *Apocr.*, vol. I, pp. 544 f., and Reider, *op. cit.*, p. 105, who hold that "kingdom" signifies the secular kingdom or rule of Solomon who here advises other kings of his insights.

It is not impossible that the use of synonymy and the subsequent mention of scepters and thrones (6:21) represents an echo of the Homeric model passage which may have been on the mind of the generally well-educated author while composing his sorite.

41 In the same epistle, xxxf., he objects similarly to another sorite (possibly formulated by himself) which deals with various *mala*. Seneca, as mentioned previously, is opposed to the fallacious syllogisms of the Stoics but presents his demonstration models in the form of the literary (-rhetorical) *climax* (cf. n. 8, *supra*). The transition from the former to the latter here becomes evident.

42 The precise meaning of *recta ratio*, usually rendered as "right reason," as well as the precise basic text are problematical, cf. the critical editions and commentaries, or merely Clinton Walker Keyes, "Cicero, De re publica, De legibus," *Loeb Class. Lib.* (London, Cambridge, 1928), p. 322, apparatus, where 2 textual variants and one conjecture are offered. A scrutiny of the problem is not essential to the purpose of this article.

An epilogue, again, sums up the result: "all these obeying the celestial system, the divine mind, and the Omnipotent God (*praepotenti deo*) force us to conceive the whole universe as a commonwealth of gods and men."

This Stoic tenet of the diffusion of the divine in the form of reason, active in nature, man, and society, and the connection between reason and virtue is often expressed in related literary forms with an ascending structure and climactic stress on the divine, their authors or referents being, among others, again Seneca, Marcus Aurelius (emperor from 161–180), and Iamblichus (*fl.* c. 170).⁴³

If indeed such a model has been the stimulus for Judeo-Christian sorites, traces of the semi-pantheistic atmosphere of the Stoic pattern may quite well still linger in the mention of the Holy Spirit, or the *Shekhinah*, in the Judeo-Christian examples.⁴⁴

2 Peter 1:5–7 may thus belong here, too, if the preamble 1:4, "partaking (*koinōnoi*) of the divine nature" and the epilogue 1:8, "full knowledge (*epignōsis*) of . . . Jesus Christ," are part of the soritic catena faith, virtue, knowledge, self-control, fortitude, piety, brotherly kindness, and love.

This type of sorite could be called the ethical sorite, and its extension, the ethico-metaphysical (or ethico-theological) sorite.

There are derivative and attenuated forms of this type of sorite available in the early amoraic Midrash, after 200 A.D.⁴⁵

43 Seneca, *Ep.* 31.11; Marcus Aurelius, *To Himself* ("Meditations"), XII.30 cf. VIII.54; Iamblichus in Ioannes Stobaeus, *Anthologium* I.xlix.36, ed. Curt Wachsmuth-Otto Hense (Berlin, 1958 [1883?]), pp. 371 f. (I.886). Related similes of the sun, cf. Epictetus (c. 55–135), *Dissertations* I.xiv.10, and Xenophon (428/7–c. 354), *Memorabilia* IV.iii, are also found in the Midrash, cf. Bab. Tal. *Hullin* 59b f. (R. Joshua b. Hananiah, *fl.* c. 90); *Num. Rabba* XIV., *et al.*; cf. Barnabas 5; Origenes, *Contra Celsum* VI.66; VII.45, *et al.*

Approximation to, relationship with, and participation in the divine (through reason, virtue, mind) is expressed in Stoic passages of this kind in terms which occasionally resemble the Judeo-Christian Holy Spirit. Cf. Seneca, *Ep.* 41.2 (*sacer intra nos spiritus sedet*); *Ep.* 66.12 (*ratio . . . in corpus humanum pars divini spiritus mersa*). Cf. Epictetus, *Diss.* I.xiv.6 (bound up with, joined, part, portion).

44 In view of the existence of a purely ethical Greco-Roman model of the sorite without a pantheistic climax it becomes probable that one of the versions of Pinḥas' sorite in Bab. Tal. 'Abodah Zarah which has the addition "and saintliness is greater than any of these" represents the consciousness on the part of the author that the sorite should conclude with the highest ethical value, i.e., the *summum bonum*, of a system of belief.

45 In *Lev. Rabba* XI.7 (anon.) the crime of King Ahaz is demonstrated by a sorite which employs metaphors to indicate what Ahaz wanted to destroy: kids, goats, flocks, shepherd, universe. These metaphors are explained in a second sorite with the links toddlers, pupils, scholars, Torah-study, synagogues-academies, presence of Shekhinah. Parallels are *Gen. Rabba* LXII.3, second item

An important specification of the assertion that the Near Eastern instances may be dependent on Western patterns, however, must here be made owing to the fact that an astoundingly similar sorite existed in the Confucian civilization. The best known example is the *Great Learning*, essentially a complex extended sorite which in spite of its comparative brevity was considered an independent literary work among the classics of that civilization.⁴⁶

An introduction (1. according to Legge) states the purpose of the item and introduces a preliminary sorite (2.)⁴⁷

A transitional brief passage (3.) leads to the principal sorite:

4. The ancients, in order to illumine perfect virtue in all the realm, first set out to govern well their own state. In order to govern well their own state, they first regulated well their own families (or clans). In order to regulate well their own families, they attempted to perfect their hearts. In order to perfect their hearts, they aimed at sincerity of will. In order to aim at sincerity of will, they developed to the utmost their knowledge.

Development of knowledge is based on the scrutiny of things.⁴⁸ 5. Once things are scrutinized, knowledge attains perfection. Once knowledge is perfected, the will becomes sincere. Once the will becomes sincere, the heart is perfected. Once the heart is perfected, the person becomes faultless.

(includes elders and prophets) and J. T. *Sanhedrin* X, 28b (author: R. Eleazar, mid-third century). In these sorites the ethical values are represented by their historical embodiments, i.e., sacred professions, age groups, and institutions. Enumeration of such representative classes of society are found also in Cicero's sorite *pro Milone* XXIII.61 and with Apuleius, *Florida* VIII (composed between 160 and 170 A.D.).

46 *The Great Learning*, *Ta hsüeh*, is a part of the *Records of Rituals* (*Book of Rites*, *Li chi*), a compilation made in the second century B.C. of earlier materials, stemming somehow from the Confucian tradition (but not from Confucius himself, c. 551–c. 479), cf. Edwin O. Reischauer, John K. Fairbank, "East Asia. The Great Tradition" *A History of East Asian Civilization*, Volume One, (Boston-Tokyo, 1962 [1958], p. 66. (Editions and) translations: James Legge, *The Chinese Classics*, 3rd ed., vol. I, Shanghai, 1935, 355–359, and Séraphin Couvreur, *Les quatre livres*, 2nd ed., Leiden-Paris, n.d. (1885? Repr. 1949), 2–5. Valuable guidance in matters of Chinese culture by Professor F. A. Bischoff of Indiana University is hereby gratefully acknowledged.

47 I.e., the following succession: knowledge of starting point/object of determination/repose/tranquility/deliberation/the perfect end.

The rendering of the individual links (terms, values) of this and the following sorites vary considerably with the individual translators (and apparently also with the classical Chinese commentators). A middle ground between the Legge and Couvreur translations is the basis for the rendering of the texts and references in this article.

48 It seems that this is the beginning of the receding motion of this "cir-

Once the person is faultless, the family becomes regulated.
 Once the family is regulated, the state becomes well governed.
 Once the state is well governed, the entire kingdom enjoys
 peace (happy tranquility). 6. From the Son of Heaven (the
 Sovereign) to the most humble individual, everyone must
 above all perfect himself...

The text concludes with a basic statement in antithetical form (7.).

In the equally important *Works of Mencius*, c. 372–c. 289 B.C., a sorite of the structure BA CB DC, etc. demonstrates that governing the people cannot be achieved without the attainment of the confidence of the Sovereign, the trust of friends, the satisfaction of parents, the perfection of one's nature (sincerity in himself).

Therefore perfection of one's nature (sincerity in himself)
 is the way of Heaven (work of Heaven).⁴⁹

The similarities to the Western sorite of this type are obvious: (a) an ideal for an elite is simultaneously the ideal for all men; (b) it remains obscure whether the soritic links represent levels of achievement or even states of being, or an order of learning, or merely a slightly graded sequence of ethical values; (c) a summarization of the sorite, i.e., a clarification of the *summum bonum* (or the basic principle) follows; (d) the individual steps occupy a middle ground between logic and rhetoric;⁵⁰ (e) whatever the precise meaning of the earthly (the people)

cular" sorite (more on this form *infra*, Type IV). Perhaps Legge should have made this sentence the beginning of his fifth section.

49 Ch. XII, Vol. II, p. 302 f.; Couvreur, p. 473 f. A negatively formulated sorite is found in another constituent of the Four Classics, i.e., the *Analects of Confucius*, *Lun yü*, largely Confucius' answers to questions, written by disciples of one or more generations later "with many later additions" (Reischauer, p. 69). Legge, *op. cit.*, *Confucian Analects*, XIII.5–7, p. 263 f.; Couvreur, *op. cit.*, III, p. 210:

If names are not correct, language will not be precise;
 if language is not precise, affairs do not succeed;
 if affairs do not succeed, behavior and music do not persist;
 if behavior and music do not persist, law and order will not be applied;
 if law and order will not be applied, people will not know how to act or
 move.

(Semi-logical summary, cf. Mencius, *supra*): Therefore a Superior requires names (cf. first link, *supra*) to be speakable, etc.

A sorite in the *Hsün-tzū* (of a third century B.C. school of Confucianism) likewise falls into this general pattern (ch. 5, p. 71 f., Dubs):

...no distinctions are greater than those of social distinctions;
 no social distinctions are greater than those of proper conduct (*li*);
 there are no rules of proper conduct greater than the Sage-kings,"

cf. Fung Yu-lan's *A History of Chinese Philosophy* (tr. Derk Bodde), vol. I, Princeton, 1952², p. 297.

50 The appearance of the Chinese sorite, whatever its precise origin may

and the heavenly (the Son of Heaven, the Sovereign) may be in Confucian belief, the sorite establishes a connection between the two.

This parallelism between a Western and a Far Eastern literary phenomenon can hardly be explained by borrowing, at least not in the light of our present state of knowledge.⁵¹ It seems rather to be a result of similar social phenomena: scholar-bureaucracies administering a written canonized body of scripture (or exemplary national literature) and their characteristic values of knowledge, wisdom, self-restraint, order, perfectability, moderation, and heaven-endowed authority.

The parallelisms which prevail between the Greco-Roman and the Judean phenomena, however, cannot be explained (or can only partially be explained) by the dynamics (or nature) of separate yet by necessity similarly structured societies (or elite groups), such as scholar bureaucracies. Two important historical facts eliminate this approach: (1) the Near Eastern and the Greco-Roman societies did not exist in separate worlds but knew each other quite well if not intimately; (2) one of these two societies, technologically and politically leading, had in fact dominated the other for four centuries and more, from Alexander the Great to the formation of the New Testament canon and the codification of the Mishnah. A "shortcut" in the developmental process must thus be assumed for some of the ideational and institutional phenomena of the Judean civilization in spite of all initial indigenous developments in this direction and in spite of all cultural and political resistance. Early Christianity had had no less than two such shortcuts at its disposal.⁵²

have been, coincides (as does its Greco-Roman counterpart) with a considerable interest in and development of dialectics, logic, paradoxes, critical sophisms, and the like, from Mo-tzü (*fl.* shortly after Confucius) to the School of Names, *Ming chia*—resembling "the Sophists of Greece" (Reischauer, p. 77), especially Hui Shih, 4th century B.C., with his Ten Paradoxes and Kung-sun Lung with his "a white horse is not a horse" (early 3rd ct. B.C., p. 78)—to Hsün-tzü (see n. 49, *supra*) with his theory, among others, of language (p. 81). During all these developments the Confucian tradition was still in flux (p. 82). Cf. in detail the paradoxa, sophisms, etc., of the former two with the parallels from the Eleatic, Cynical, and Aristotelian schools as discussed in Alfred Forke, *Geschichte der alten chinesischen Philosophie*, Hamburg, 1928, 427–441.

51 The question of Chinese borrowings from the Greek (or Hellenistic) and Near Eastern civilizations has not yet been fully explored. A number of works carefully mark arresting parallels (Forke, Reischauer, Fung Yu-lan). Most explicit and positive is L. Carrington Goodrich, *A Short History of the Chinese People*⁴ (N.Y., 1969), with quite a number of interesting details, among others "the so-called Pythagorean musical scale" and "western geometrical axioms," pp. 27 f.

52 I.e., Greco-Roman culture and Judaism.

Other such well-known properties of all the civilizations involved are the centrality of the Sage, the role of disciples, the love (or necessity) of classification, the harmonization of textual difficulties (especially of contradictions) by interpretation, interest in the precise transmission of traditions, the Golden Rule,

Whether ethical or ethico-metaphysical, sorites of this type frequently seem to sketch a major part or an entire system of belief or philosophy. The Senecan item quoted *supra* thus approximates a sketch of Stoic ethics. Another such example is Cicero's sorite in *pro Roscio Amerino* XXVII.75. It seems to illustrate the *summum malum*: luxury leads here via avarice⁵³ and shamelessness to all vices. This, of course, is an approximate sketch of cynicizing doctrine.⁵⁴

It is thus possible that the Jewish, Christian, and Confucian instances of the third soritic category are similarly brief sketches of (the essentials of) Judaism, Christianity, and Confucianism, respectively, with an emphasis on the ethical, offered in the style and taste of their time, operating with some measure of logical force.

The Ciceronian item on the universal state could thus be considered such a system-sketching sorite of Stoicism. In the *Corpus Hermeticum*, IV.6, we find Hermes proclaiming

Unless you first hate your body, . . . you cannot love your [true] self,
but if you love your [true] self, you will possess reason,
and possessing reason, you will partake of knowledge.

"Socrates Prayer," the exemplary Sage anecdote, accomodation (together with the claim of superiority) to absolute rulers, and many others too numerous to mention.

53 Luxury and avarice are found side by side also in the (Ps.-)Pythagorean "*Golden Words*." This work, likewise, probably reflects the spread of cynical moods throughout Greco-Roman literature.

54 The easily translatable sorite which Isidore of Seville lists in his *Origines* II.xx1.4, Halm p. 517:

Of Africanus: ex innocentia nascitur dignitas,
ex dignitate honor,
ex honore imperium,
ex imperio libertas,

may thus exemplify the general Roman political philosophy (even if the item should be an attempt to create a "pure" sorite in the mouth of Scipio Aemilianus from the model sorite ascribed to him by *Auctor ad Her.* and Quintilian, as *supra*). Leeman, *op. cit.*, vol I, p. 53, however, argues that the former is Scipio's and expresses Roman political conservatism and the latter probably a fragment of the funeral oration on Scipio by Laelius 'Sapiens' of the Scipionic circle.

A sorite in Latin translation of the Athenian statesman (and ardent prosecutor) Lycurgus, c. 390-c. 325/4, seems to represent, above all, the ethos of patriotic Athenian tradition (or, according to Burt, apparently the oratorical ethos of civic action): strenua voluntas/industria/copia et facultas ingenii (abundance and potency of genius? Burt: fluency and oratorical power)/felicitas laudis. A summary concludes that the diligent exercise of virtue incurs the reward of good fortune. Source is Rutilius, I.13, second model. Also in J. O. Burt "Minor Attic Orators" (London, Cambridge/*Loeb Classical Library*), vol. II (1954), 154-156 (6).

This item succeeds in summarizing basics of Hermetic Gnosticism. The socio-academic sancta of tannaitic Judaism are neatly sketched in a brief item of R. Eleazar [Taylor: R. La'zar] b. Shammua, *Pirke Aboth*, 4.12 [Taylor: 4.17]:

Let the honor of thy disciple be as dear to thee⁵⁵ as the honor of thine associate,
and the honor of thine associate as the fear of thy teacher,
and the fear of thy teacher as the fear of Heaven.

A strong case for the existence of another such system-sketching Greco-Roman sorite and its traces in tannaitic literature can be made for an incisive and provocative formulation of hedonism coined by Epicurus himself which was frequently quoted in our period. The literary form in which this item is available to us is a chain of (ep)-anaphora, i.e., phrases with identical beginnings. Epanaphora, however, occasionally interchanges with the soritic form. More often, it is a part of the soritic structure itself.⁵⁶

Both the Greek⁵⁷ and the Latin⁵⁸ of this item coincide:

I, for one, cannot conceive of the Good

- (1) subtracting the pleasures of taste,
- (2) subtracting those of loving embrace,⁵⁹
- (3) [subtracting] those of hearing,

55 The phrase "as thy own and" which follows here in many editions and manuscripts has been rightly recognized as an accretion by the majority of critical scholars.

56 I.e., whenever the author of the sorite chooses to repeat the same preposition, pronoun, or conjunction before the (changing) keywords of every soritic link. Thus Cicero, *pro Milone* XXIII.61, three times *neque*, Isidore (cf. n. 49, *supra*), four times *ex*, Mishnah *Rosh ha-Shanah* 2.4 ff., four times "and from," etc.

R. R. Ruether, in her book on Gregory Nazianzen, p. 62 f. and n. 1, p. 63, lists three complex examples of sorites which include epanaphora (and, in one case, alliteration to boot).

57 Athenaeus, "Deipnosophistae" VII.280a-b; XII.546e, ed., tr., G. B. Gulick, *Loeb Classical Library*, 7 vols. (London, Cambridge, 1927-1941); "Diogenes Laertius, Vitae philosophorum," *Loeb Classical Library*, X.7, ed., tr., H. D. Hicks, 2 vols. (London, Cambridge, 1925), ed. H. S. Long, 2 vols. (Oxford, 1964).

58 Cicero, *Tusculan Disputations* III.xviii.41, rev. ed., tr., J. E. King (London, Cambridge, 1945). Cicero proceeds to introduce a version of the same item, claiming that it is likewise Epicurus' own formulation (xx.46, accepted by Hermann Usener, the collector and editor of the fragments, in his *Epicurea* (Stuttgart, 1966 [1887]), fr. 63). Cicero further modifies and satirizes these items in xviii.43 and xix.46. These "variations upon a theme" thus make the assumption of the existence of an actual *climax* more plausible.

59 *Aphrodisiōn*, love or sex life; cf. Cicero, *op. cit.*, III.xx.46: embrace of bodies. The other Ciceronian variants seem to introduce his own euphemisms of good taste for this detail.

- (4) [subtracting] those of form [in motion, delightful to the sight].⁶⁰

This item (which resembles the descending or subtracting variety of the early syllogistic sorite)⁶¹ became understandably a popular target of anti-Epicurean attacks. It seems that a mysterious tannaitic sorite by Shimeon b. Zoma, c. 90 A.D., participates in these polemics: *Aboth deRabbi Nathan*, B, ch. 33 (Sch. p. 72):

(Preamble) Don't peek at a <man's> vineyard.

If you peeked, don't enter (descend).

(Sorite) If you entered, don't look;

If you looked, don't touch;

If you touched, don't eat;

If you ate,⁶² you'll forfeit this life and Life Eternal.

Although the Tannaim still knew details of Epicurean doctrine quite well, this soritic allusion to Epicureanism was apparently no longer understood in subsequent generations in which even unmistakable tannaitic references to Epicureans were reinterpreted to signify various categories of halakhic deviants.⁶³ A late version of this sorite in *Seder Eliyahu Rabba*⁶⁴ thus reformulates b. Zoma's item as a warning to Israel's enemies—the vineyard being considered a metaphor for Israel—but is forced to adjust the text in many ways.

60 The bracketed phrases are missing with Diogenes Laertius.

61 Correctly recognized by N. W. DeWitt, *Epicurus and His Philosophy* (Minneapolis, 1954), p. 73, who remarks that Epicurus used the "more irritating of all forms of argument, the sorites syllogism," DeWitt proceeds to demonstrate its effectiveness by transforming our item into dialogic form (questions and "enforced" answers). The term "subtracting" of the Epicurean passage suggests to DeWitt the syllogistic-soritic form, i.e., he assumes that our passage was originally written in the pattern of the sorite of "the heap." It seems that DeWitt had this reconstruction in mind:

Do you deny X-1? Yes.

[If you deny X-1,] you deny X-2? Yes.

[If you deny X-2,] you deny X-3? Yes.

[If you deny X-3,] you deny X-4? Yes.

[If you deny X-4,] you have denied the Good (X).

After this syllogism the pleasures of mind alone would remain. These, however, according to Epicurus, do not count among the goods. (Epicurus needed the function of the senses not only for his hedonism but also for his epistemology).

62 From here on the third person singular replaces the second, probably representing a euphemism which avoids the uttering of a curse in an address. The literal translation of the finale would require: "a man will be found tearing his soul (cf. Job 18:4) off the life of this world and the World-To-Come."

63 The most recent treatment is S. M. Wagner, *Religious Nonconformity in Ancient Jewish Life*, Ph.D. Thesis, Yeshiva U., 1964, ch. X. Somewhat differently: s.v. "Epicureanism," *Encyclopaedia Judaica*, 16 vols. (Jerusalem-New York, 1971 [H. A. F.]).

64 § 8 (7), p. 43, Friedmann, supposedly authored by the somewhat earlier Eliezer b. Hyrcanus.

All attempts to interpret b. Zoma's original sorite must face equally insuperable difficulties. Thus, the item cannot refer to b. Azzai's famous teaching that one transgression leads to another, since no true transgressions are involved in our sorite. It is hardly merely playful, as, e.g., Touchstone's soritic argument with Corin which moves equally quickly from one extreme to the other, from "good manners" at court to "damnation."⁶⁵ It cannot represent a Stoic allegory of the subdivisions of philosophy according to which philosophy resembles an orchard with its walls, trees, etc., since this allegory was little known even in Greco-Roman rhetoric and therefore ineffective if not useless in Judea.⁶⁶ Halakhic, ascetic, and ethical interpretations equally fail: there are no halakhic grounds, no ascetic disciplines, no infractions in this sorite which would entail eternal damnation. This condemnation pronounced in the sorite is, of course, meant literally and no mere homiletical exaggeration, as, e.g., in *Pirke Aboth* 3.7 (3.11, Taylor) and 3.8 (3.12) where the addition "as if" mitigates the dire warning and makes these items merely literary vehicles for teachings which strongly emphasize that study is all-important and should never be interrupted, and that no detail of it should ever be forgotten—both teachings being also part of Greco-Roman academic lore.

Neither does b. Zoma's item fit Gnosticism, the usual scapegoat for dark allusions with many modern interpreters of midrashic texts. Finally, the important basic teaching of Stoicism, that all failings are equal (being short of virtue), is alien to Judaism.⁶⁷

65 *As You Like It*, III.2.39 ff.: good manners; wicked; sin; damnation.

66 Diogenes Laertius, *Vitae*... VII.40; Sextus Empiricus, *Adv. log.* I.17. Furthermore, why should Stoic philosophy, or philosophy as such, be condemned in such extreme terms by b. Zoma himself who quotes the Stoic *paradoxa* in *P. A.* 4.1 (4.1–4, Taylor) as exemplary teachings?

67 A brief sequence of similar non-soritic warnings in Colossians 2:21 (a threefold negative epanaphora, "touch not, taste not, handle not"), however, has no direct connections with our passage. Only two of the three parts represent basic sense perceptions. The sequence apparently refers to Judaizing observance (2:16) and an unnamed ascetic visionary sectarianism in which angels play a role (2:18). [These two tendencies may represent one heterodoxy.] No express damnation is attached to the formula; doctrinal statements, rather, supply the rationale.

The three warnings must be considered a chance summarization occasioned by the (eclecticism? of the) sect. Of course, it is always possible that the faintly parodying and satirizing character of the warnings (resembling in this b. Zoma's sorite, cf. *infra*) had been rehearsed in other such polemical situations. Indeed, Paul knew Epicureanism well, even if we discount DeWitt's over-statements in his *St. Paul and Epicurus* (Minneapolis, 1954), and this philosophy together with its traditional opponent Stoicism are the only philosophies mentioned by name in the New Testament (Acts 17:18). It is thus not impossible (but must remain guesswork if not an *argumentum ex silentio*) that Paul had become fluent in such sense perception epanaphora through his anti-Epicurean polemics. B. Zoma's sorite, however, is a longer and more structured literary unit, and we

As a condemnation of Epicurus' effective item on hedonism, however, b. Zoma's sorite is meaningful: it covers the senses of sight, touch, and taste and omits, as does Epicurus, smell. Hearing, that is, entertainment, which is missing in b. Zoma's sequence, was no serious temptation in the Judaic culture. The Hebrew epanaphora of the fourfold *we'im* corresponds to Epicurus' fourfold *aphairōn*.⁶⁸ The vineyard is a symbol of pleasure also in ancient fox-fables which were known to the Tannaim. "A man's vineyard" would represent a later variant for "The Vineyard," when the original meaning of the item had become obscure. This understanding of the sorite would also be in line with the remaining midrashic creations of b. Zoma which all reflect or react to Greco-Roman situations, including Epicureanism, both in form and content.⁶⁹

B. Zoma's sorite is, of course, a parody in that it repeats and varies the wording of a model in order to "demolish" it in one form or another, representing, in this case, the rarer form of the serious parody.⁷⁰

Type IV: The Circular Sorite

Another type of sorite could be called circular. Its first link is also its last, the flight of thoughts returns to its origin. Obviously, this classification represents merely a formal distinction, since sorites of all types could be formulated in this circular fashion. Most instances of this type, however, are somewhat playful or, at least, attempt to produce a measure of surprise, thus suggesting a separate classification.⁷¹

must therefore look for more precise literary patterns than the common diatribic epanaphora.

Thanks are here due to Professor Fred. O. Francis of Chapman College for drawing the Pauline formula to my attention.

68 The original Epicurean item uses the first person, as does the Ciceronian satire of xviii.46, the Hebrew item the second, as do DeWitt's reconstruction and Cicero's caricature in xviii.43 (*Tusc. Disp.* III). All versions are thus "personalized," avoiding the less effective third person (except the euphemism).

69 Cf. H. A. Fischel, *Rabbinic Literature and Greco-Roman Philosophy*, (Leiden, 1973), *Studia Post-Biblica* 21, ed. J. C. H. Lebram, especially pp. 51-59 and notes.

70 Cf. F. W. Householder, Jr., "PAROIDIA", *Classical Philosophy* 39 (1944), 1-9; F. J. Lelièvre, "The Basis of Ancient Parody," *Greece and Rome*, Sec. Ser., 23 (1954), 66-81; Ulrich Weisstein, "Parody, Travesty, and Burlesque..." *Proceed. of IV Congress, Internat. Comp. Lit. Assoc.*, 1964, The Hague (1966), 802-811.

71 The latter day users of classical forms must have recognized this property of the circular sorite. Molière, in his *La jalousie de Barbouillé*, scene 2, thus introduces a farcical sorite on a purse in a box, the box in a case, the case in a casket, etc., through ten locations, until he reaches "world," in which there is a kingdom, a province, etc., and downward the entire previous scale (Cooper, *op. cit.*, p. 37). Shakespeare's circular sorite in *Henry V*, V.2.168 ff. is equally playful

The shortest ancient specimen is Augustine's:

O aeterna veritas
et vera caritas
et cara aeternitas!⁷²

The tannaitic example is a manuscript version of *Pirque Aboth* 3.21 (3.26, Taylor). The latter is not a sorite but a sequence of antithetical aphorisms: "no manners, no Torah; no Torah, no manners," ending with "no flour, no Torah; no Torah, no flour." The manuscript version, however, is a true circular sorite, found in the Genizah fragments of the Antonin collection which Professor Katsh recently published:

If no manners, no Torah,
if no Torah, no wisdom . . .

and via reverence, understanding, reason, and flour back to Torah.⁷³ Both versions are, perhaps, somewhat playful in their down-to-earth wisdom and incisive formulations.

A circular instance seems to be represented in an item in *Auctor ad Her.* IV.xxv.34:

The Empire of Greece was possessed by the Athenians;
the Athenians were overpowered by the Spartans;
the Spartans were overcome by the Thebans;
the Thebans were vanquished by the Macedonians
who, to the Empire of Greece, quickly joined Asia subjected by war.

Greece, the initial subject, thus reappears as the final link.⁷⁴

It is not impossible that some circular sorites have been suggested by a circular prose model, a non-rhetorical narrative, i.e., the very popular story of the Tripod and the Seven Sages. Thales receives the Tripod as the prize to the wisest of all but modestly passes it on to another Sage who, in turn, hands it over to the next, etc., until finally

(in a marriage proposal): "... and Kate, when France is mine, and I (synonymy) am yours, then yours is France (end of cycle), and you are mine" (result).

72 *Confessions* VII.x. Augustine has a great deal to say on Greco-Roman rhetorical theory, critically as well as approvingly, and tried to adapt it to his own purposes (*de doctrina Christiana* IV). In doing so, he analyzes Romans 5:3 ff. as an exemplary instance of *gradatio-climax* (IV.vii).

73 Abraham I. Katsh, "Unpublished Geniza Fragments of *Pirque Aboth* in the Antonin Geniza Collection in Leningrad," *JQR*, 61 (1970), 1-14; example 12, pp. 11 f.

74 Author unknown. The tentative classification of this item as circular is made on the assumption that in this sorite the Empire of Greece has been conceived of as an independently existing phenomenon which, although again and again conquered, persists and reemerges victoriously after (or through) its last defeat, thus supplying the element of surprise in the sorite.

it is returned to him. The great popularity of this item is reflected in its unusually many versions in Diogenes Laertius, *Vitae*, I.27–33. Obviously, this plot lent itself to circular soritic treatment and is not devoid of the element of surprise.

Furthermore, since almost every ascending sorite could be reformulated as a descending scale, there must have been the temptation to combine both treatments, i.e., to descend after the utterance of the final result. This procedure, in turn, may have been reinforced by a vague reminiscence of the syllogistic ending, as in the Wisdom of Solomon or in Seneca's addition to his previously quoted item: "therefore the prudent one is happy and prudence adequate (as the basis) of the happy life," a sort of *quod erat demonstrandum*. Since we have thus both, a "natural" inclination to expand the simple sorite and the model of the handbook, it is impossible to determine the stimulus for the Hebrew item with certainty, although its playful-startling element may quite well indicate the mastery of a rhetorical model on the part of its creators.

Type V: The Defensive (or Commission) Sorite

Perhaps the most ardently admired, most frequently quoted, and most prominently imitated of all sorites is a terse, masterful formulation of Demosthenes, *de corona* (*orat.* 18), 179:

I did not speak, and *not* propose (move);

I did not propose, and *not* act as envoy;

I did not act as envoy, and *not* persuade the Thebans.⁷⁵

This item is found in almost every rhetorical work of our period, whether Greek or Latin; and it is hardly an overstatement to claim that no rhetorician of the Late Roman Republic and the Empire was unaware of it.⁷⁶

75 The Greek, without auxiliary verbs, is, of course, more effective than any English translation:

ouk eipon men taut', ouk egrapsa de;

oud' egrapsa men, ouk epresbeusa de;

oud' epresbeusa men, ouk epeisa de Thēbaious.

Obviously, the present English translation is somewhat awkward in that it retains the parataxis of the original. Most translators prefer hypotaxis:

I did not speak without proposing, or

I did not speak without having proposed . . .

76 It was translated from Greek into Latin by Quintilian, *Inst. Orat.* IX.iii.55 and prefaced "I shall translate . . . from the most famous Greek." *Auctor ad Her.* had already imitated the item in IV.xxv.34 as his second model sorite.

Among others it is listed in Hermogenes, *Peri Ideōn* I, 286 (Rabe, p. 304), Alexandrus, Tiberius, (Ps.-)Herodianus, Anonymous *peri schēmātōn*, Aquila, Rutilius.

The syndrome of form and content in this sorite consists in the usual epanaphora, sequences of negations, conditionals (in effective parataxis), and verbs or verbal derivatives (without an express object) signifying speech, right action, commission (legitimacy), and persuasiveness, all in the service of a highest cause (a mission for Athens). It is highly probable that this soritic syndrome is also the basis of two Pauline sorites, especially Romans 10:14 f.:

How then would they invoke whom they believe not?
 And how would they believe of whom they heard not?
 And how would they hear without one proclaiming?
 And how would they proclaim, if not being sent?

Epanaphora, negations, conditionals, and verbs of the semantic areas of the model (without object) are retained. The increase to four statements, the use of hypotaxis for the original parataxis, and the regressive logical order are, of course, liberties which are expected to be taken by the users of this form. They have, in fact, been taken by others.⁷⁷ Both model and derivative emphasize the authorized commission and special status of the subjects involved who act for what in their belief is the ultimate. Demosthenes' defensive pleading, apparently a characteristic of this type of sorite, is not altogether eliminated in Paul's sorite, especially in view of the context, 8:1 ff., and his subsequent defense of his position vis-à-vis the Law, 18 ff. and 26, and a similar situation in ch. 10.

Romans 8:29 f., another instance of this type of sorite, uses only positive statements, a variation found also in other Greco-Roman sources:⁷⁸

Dionysius of Halicarnassus declares Demosthenes' *de corona* to be the best of all orations in *de compositione*, ch. XXV, p. 260, line 20 f., ed. W. Rhys Roberts (London, 1910). He analyzes the sorite and sees in it a model of charm. It would have been ineffective, had it been formulated positively. To prove his contention, he actually reformulates the passage positively, likewise in soritic form. (Ps.-)Demetrius, *On Style*, 3 270, offers a similar demonstration but reformulates our sorite as a simple narrative to illustrate by contrast the beauty of the original sorite.

⁷⁷ Cf. the preceding and the following notes.

⁷⁸ The first soritic model (anonymous) with *Auctor ad Her.*, *loc. cit.*, seems to be an artful reversal of Demosthenes' item: the sorite demonstrates here *illegitimate* action; it is not defensive but accusatory; instead of negatives it employs positive statements. This very reversal, almost as terse and effective as Demosthenes' original (although a trifle too long) and possibly designed to evoke in the listener the echo of the original, shows the strong hold which this type of sorite had on rhetoric:

Now what vestige of hope remains if these [men] may [do] as they please,
 and if what they may [do], they can [do],
 and what they can [do], they dare [do],
 and what they dare [do], they, in fact, do,
 and what they in fact do, is not offensive to you?

- (29) ... whom he foreknew he also foreordained . . . ,
 (30) and whom he foreordained, these he also called,
 and whom he called, these he also justified,
 and whom he justified, these he also glorified.

The subsequent context, again, is defensive-polemical, anticipating opponents in the diatribic manner.

That these Pauline sorites (or at least the former) resemble Demosthenes' catena is generally acknowledged by practically all detailed modern commentaries and modern works on ancient rhetoric; their precise interrelationship, however, is left unclarified. As far as the present writer is able to ascertain, there are no tannaitic instances of this soritic category. The Tannaim used the "Homeric" transmission sorite for the fortification of their claim to authority.

Type VI: The Numerical Sorite

This soritic category is based on numerals or their derivatives in ascending or descending sequence. It seems to be a product of the rhetorical style, i.e., the attempt to enumerate or describe a sequence effectively, even to exploit it as an oratorical highlight. Occasionally, it may be merely rhetorical habit. Thus Rutilius, in defining the *epiplokē* (sorite), falls imperceptibly into the soritic pattern:

From the first phrase the second originates,
 from the second, the third,
 and several more in due order (synonymy).⁷⁹

Being preponderantly a stylistic device this sorite is quite different from the logical fallacy of the "Heap" which likewise involves numbers.⁸⁰ Aelius Aristides makes use of some such numerical elements in a more complex synonymic sorite.⁸¹

This enumerative sorite is represented in the Midrash. Ḥana bar Ḥanina, a Palestinian Amora whose *floruit* is c. 260, thus speaks of six ass-drivers who work on six successive days and ask each other questions regarding the market-price of the previous day. This brief

Another positive formulation which goes back to Demosthenes famous model is found in *Carmen de figuris* . . . , 65 f., Halm, p. 66. This specimen has been reformulated to fit the meter of the poem. Halm, *ad. loc.*, correctly recognized its dependency on Demosthenes (first apparatus).

79 I.13; Halm, p. 8; Brooks, p. 17:

ex prima sententia secunda oritur,
 ex secunda tertia,
 atque [ita] deinceps complures.

80 Cf. n. 8, *supra*. Especially clear is the version which Diogenes Laertius gives, VII.82.

81 *Orat.* XLV, *peri rhetorikēs*, 102, Dindorf, p. 137.7 ff.

scene is described in soritic fashion—the sixth asks the fifth, the fifth the fourth, and so on—and is, as the Midrash explains, a simile for the Six Days of Creation which likewise ask each other successively questions regarding the work of the previous day, and this detail, too, is described in a numerical sorite.

Even for this type of sorite, independent indigenous origins cannot be maintained with confidence, since the message to be conveyed could have been uttered in still simpler form.⁸² It could well be assumed that a certain measure of rhetorical continuity is still present in this early amoraic item, whether in imitation of tannaitic patterns or, preferably, still in direct contact with Greco-Roman situations, reflecting the continuing fashionableness of the soritic form, its incorporation into the ever increasing Greco-Roman handbook literature, and its use by rhetorically educated leaders of the early Church. The strongly Hellenistic (yet creative) Midrash of Amoraim, such as Rab (a native Palestinian) and Abbahu,⁸³ further illustrates the continuing impact of the Greco-Roman culture in some circles.

The simple and natural joy of counting, however, seems to be at the basis of the numerical folk song of medieval and still later periods in which gradually a round number of people or things are reduced to zero, approximating this soritic scheme:

... and one was lost and there were only nine;
 nine, and there were only eight;
 eight etc.⁸⁴

This scheme is found in many variants and with many peoples and strongly indicates the possibility of independent creation wherever cultural symbiosis (contact) with its possibility of the "shortcut" is excluded.

Attested at an equally late period and again different is the folk song which gives prominent meanings to numbers, i.e., declares what the basic numbers represent in the total culture or system of belief.⁸⁵ Instead of the soritic chain, the simple sequence of the basic numbers appears but as the results of questions and answers which frequently use epiphora:

82 E.g., "one day asked the other," or "the question was repeated by the second day, and by the third," etc., or "the first day asked, the second day asked," etc. *Gen. Rabba* VIII.2.

83 Of Caesaria, fl. c. 300. He knew Greek and was prominently involved in debates. Eusebius, his contemporary, was active at the famous local Christian Catechetical School (founded by Origen, fl. c. 220) where soon Gregory of Nazianzen was to study (fl. c. 360).

84 Examples with Cooper, *op. cit.*, p. 39.

85 Cf. Heller, *op. cit.*, p. 291.

One—who knows? One—I know.

One is our God in Heaven and Earth.

A cumulative refrain frequently further emphasizes the enumerative yet non-soritic character of the structure.⁸⁶

VII *Miscellanea*

Not all ancient sorites can be neatly subsumed under these six headings. Some of the remaining instances are brief,⁸⁷ mechanical, applications of the rhetorical device without specific characteristics, whether occurring in an oration⁸⁸ or merely in an ordinary prose text.⁸⁹

Other strongly rhetorical specimens were so inextricably a tool of persuasion of the Greek and Roman juridical procedures, i.e., public prosecution and defense, that Near Eastern cultures with a different organization of this public sector saw no need to adopt them. *All* links in sorites of this type would refer to crime, punishment, or legal procedure. Furthermore, most of the specimens seem to reflect the argument of the prosecutor or prosecuting party and not that of the accused as in the defensive sorites of Demosthenes and Paul.⁹⁰ Perhaps, “prosecutor’s sorite” would be the best term for this category. It is, regrettably, impossible to determine whether echoes of the great models of Epicharmus and/or Demosthenes still reverberate even in this “prosecuting”

86 This example is, of course, from the Passover Haggadah, *Haggadah shel Pesah*, ed. Daniel Goldschmidt (Jerusalem, 1960), 141–143.

87 The sorite (*climax*, *gradatio*, etc.) deserves its name only if it extends over more than two kola. The lesser form would be anadiplosis (word repetition), cf. Tiberius, *peri schēmātōn*, § 28 (p. 27, l. 23 ff., Spengel) and Volkmann, *op. cit.*, p. 476, who quotes an example from Thucydides, II.xliii.4 (a “sorite” which is too short). The Rutilian instance, *supra*, is a borderline case and becomes a sorite (in the view of the present writer) only by the synonymy of the third link.

88 E.g., in a fragment, presumably by (C.) Gracchus, quoted by Isidore, *Orig.* II.xxi.92 A (de figuribus verborum et sententiarum), in J.-P. Migne, *Patrologia Latina*, vol. 82, Paris, 1850, col. 135: pueritia/adolescencia/senectus. The simultaneous threefold sequence of “dishonor,” however (inhonestamentum, dedecoramentum, flagitium) wakens echoes of the catastrophic mood.

89 Hermogenes falls into this pattern in the beginning of his *peri methodou deinotētos*, *Opera*, Rabe, 1, p. 415 (Spengel, 426): *idian/diaphoron/diaphorous/enantias*.

90 Paul could adopt a soritic form which emanated from the Greco-Roman public legal procedure, because he diatribically transformed his audiences (even where they represented recipients of letters) into the crowds of a public trial. Moreover, his “audiences” were accustomed to and expected the techniques of public Greco-Roman oratory.

sorite. Examples are of Lysias,⁹¹ Scipio,⁹² and Licinius Calvus, the rival of Cicero.⁹³

The best specimens of these major six to seven types of sorites with their specific content and function were thus apt to become near-independent literary units which could be quoted, transplanted, varied, and imitated in a rhetorical-minded culture. They found their way into the handbooks more easily than the brief nondescript soritic device which remained merely a stylistic element. And they were most likely to impress the literati of neighboring or interrelated (or similarly structured) cultures so that they appeared, as we have seen, in basic works of Judaism and Christianity. The periodic revivals of classical patterns throughout history resulted in successive renaissances of these forms.⁹⁴

In spite of the existence of earlier indigenous creations, such as in the Hebrew Bible, several major forms of the Greco-Roman standardized sorite thus succeeded in eclipsing this earlier growth and dominated Christian expression from the beginning, whether through tannaitic media or through direct channels.⁹⁵ In tracing what seem to be the classical patterns of tannaitic and New Testament sorites, a more satisfactory understanding of the meaning and function of all instances of this important literary phenomenon can be achieved.

It must thus be assumed that some of the rhetorical techniques and some of the materials of the *progymnasmata* and other handbooks were known to the Tannaim. This material could have been part of orations actually heard in Aramaic or Greek from Greco-Roman or Hellenized native rhetoricians (some bi-lingual), since they used these handbooks. A less restricted view would assume that some Tannaim (and Amoraim) actually knew the original handbooks a considerable number of which were quite simple and brief (Rutilius Lupus' work covers less than 20 printed pages). Some texts could be mastered easily by heart and the probability is that they were also suited and used as texts for the beginner in the Greek language. The maximal view would admit a much more

91 C. 459-c. 380. If genuine, his fragment in Rutilius I.13, first model, would antedate Demosthenes' sorite: venit/expugnabat/abstraxit/excruciabat/vinxit/in publicum proiecit.

92 Fr. in Isidor(e), *loc. cit.*, § 5: sponsionem facere/ad iudicem adducere/damnare/dimittere.

93 Fr. in Quintilian, IX.iii.56 and Aquila, § 40, p. 35, Halm:

... of extortion no less than treason,
and of treason no less than of the Plautian Law,
and of the Plautian Law no less than of bribery,
and of bribery no less than of all laws.

94 Lausberg, *op. cit.*, § 623, lists soritic instances even in recent literature.

95 The sorite of the Islamic world has not been treated in this article. Islamic literature, of course, had three channels, Greco-Roman (often through the Syriac), Jewish, and Christian, at its disposal.

generous tannaitic knowledge of Greek if not its mastery by some in view of the fact that the Tannaim represented a creative, intelligent professional class living in a bi-lingual world.

Furthermore, as far as the channels of transmission are concerned, it should not be entirely forgotten that in antiquity the educated slave—the Greek frequently possessing a full ephebic and oratorical education—may often enough have transmitted the knowledge of other languages as a teacher in his master's household and may have done so not only in Rome but perhaps occasionally also in Judea. The settlement of educated Hellenized Jews in Judea—many fled there from the Greek cities of Palestine during the Hasmonean upheavals—may have been another factor in the spread of Greco-Roman rhetorical techniques.⁹⁶

A decision between these possible views, of course, cannot be made on the grounds of any one specific investigation but must be based on a large-scale variegated search for such rhetorical materials. Fortunately, this search has almost become a major trend of scholarship during the past few decades.

96 In spite of its metaphorical rendering, it is not advisable to underestimate the significance of the talmudic note that "500" students studied Greek in the academy of Shimeon b. Gamliel II, c. 140 A.D. (Bab. Tal. *Soṭah* 49b), cf. *Encyclopaedia Judaica*, 1971, s.v. "Greek and Latin Languages, Rabbinical Knowledge of," cols. 884–887 [H. A. F.]. Even if the sole necessity for this was, indeed, the maintaining of contacts with the Roman administration, as this source claims, the influence of such an educated and approved group of mediators must have been considerable.

THE CALENDAR OF SABBATICAL CYCLES DURING THE SECOND TEMPLE AND THE EARLY RABBINIC PERIOD

BEN ZION WACHOLDER

Hebrew Union College-Jewish Institute of Religion, Cincinnati

Introduction

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A Calendar of Sabbatical Cycles from 519/18 B.C.E. to 440/41 C.E.

INTRODUCTION

THE observance of the Sabbatical year (also known as Release, Shemitah or Shevi'it), when agricultural activity ceased and debts were cancelled, remained a living institution from post-exilic times to about the fifth century after the Christian era. Of the actual status of Shemitah during the pre-exilic times little is known; some scholars deny its historicity altogether while others compare the antiquity of the Sabbatical year to that of the weekly Sabbath.¹ But from the time of the building of the Second Temple until the period of the Amoraim our knowledge of the institution is not only extensive, but sufficiently precise to enable us to construct a calendar of the cycles of Shemitot.

Three items need to be pointed out. First, the closely related institution of Jubilees is of no importance for the calendar of Shemitot during

¹ Exod. 23:10-11; Lev. 25:1-7, 19-22; Deut. 15:1-11. For the scholarship, see *Encyclopaedia Judaica* (Jerusalem: Keter, 1971), XIV, cols. 585 f.

the post-exilic times. For although Lev. 25:8-28 ordains in addition to the Sabbatical year also a Jubilee year, when bonded men and land were to be restored to tribal ownership, we have no record of the Jubilee's observance during post-exilic times.² Furthermore, the exact meaning of the "Sabbath of Sabbaths," or the fiftieth year, as the Jubilee is called, is obscure. Even the rabbinic authorities could not agree whether the Jubilee constituted a separate year from the septennial Shemitah cycle and equaled the fiftieth year or whether there was only a forty-nine year cycle and the Jubilee was considered part of the first Shemitah cycle.³ But most, if not all, Talmudic authorities grant, what we know to be a fact, that the Jubilee was not observed in the post-exilic Jewish calendar.⁴ To be sure, the sectarian literature, found recently in the Judaean desert, and in works such as the Book of Jubilees,⁵ frequently alludes to an era of "the Sabbath of Sabbaths," but it is of little significance for this study since it had no effect upon the Judaean calendar during the period under consideration. Modern scholarship is equally divided as to the method by which the year of the Jubilee was computed; but it is agreed that the institution of the Jubilee did not function during the Second Temple.⁶

Second, the Sabbatical year began on the first day of Tishri and

2 See also Lev. 27:17-24; Num. 36:4; Ez. 46:16-18.

3 Bab. Tal. Nedarim 61a; Rosh Hashanah 9a; Arakhin 12b; 24b; 33a. The majority of talmudic sages counted the Jubilee on the 50th year; Rabbi Judah, however, subsumed the Jubilee as part of the new Sabbatical cycle; cf. Sifra, *Emor* 12, 8 (101a); *Behar* I, 6 (105c); Philo, *De sp. leg.*, II, 110; Jos. *A.J.* III, 282. S. Zeitlin offers a modern version of Judah's view, cited by Sidney B. Hoenig, "The Sabbatical Years and the Year of the Jubilee," *JQR*, 49 (1969), 222-36, who defends Zeitlin against the critics.

4 According to Yer. Shevi'it X, 3, 39c; (Sifra, *Behar*, 2.3 [107a]; B. Arakhin, 32b), the Jubilee was abolished after the fall of Samaria (722 B.C.E.), since Lev. 25:10 prescribes this institution only when "all the inhabitants" of Israel live in the Holy Land. Furthermore, since Lev. 25 ordained the Jubilee and Shemitah as a unit, it follows, the Rabbis say, that Shemitah without the observance of Jubilee falls under "rabbinic" rather than "biblical" ordinances. See Bab. Tal. Gittin 36a-b; Yer., IV, 3, 45d. But Sifra, *Behar*, II, 2 (106d); Arakhin, 32b, cites views which maintain that Jubilee and Shemitah are independent of each other. Cf., however, Tosafot on 'Arakhin 32b, s.v. *manu*.

5 The Book of Jubilees' calendar (A. Jaubert, "Le calendrier des Jubilés et de la secte de Qumrân. Ses origines bibliques." *V.T.* 3 (1953), 350-64), assumes a 49-year Jubilee, which accords with Rabbi Judah's position (note 3). See also CD. XVI, 4; 1 QM. VII, 14; cf. B. Noack, "Qumrân and the Book of Jubilees," *Svensk Exegetisk Årsbok* (Lund), 27/28 (1957/58), 191-207; J. Morgenstern, "The Calendar of the Book of Jubilees, its Origin and Character," *V.T.* 5 (1955), 34-76.

6 See Maimonides, *Hilkhot Shemitah Veyovel*, X, 5-6. Cf. D.E. Eisenstein, in *J.E.* X, 606a; S. Loewenstamm, in *Encyclopaedia Biblica*, II (Jerusalem: Institute Bialik, 1958), 580 f.

ended on the last day of Elul.⁷ Thus the Shemitah year differed basically from the civil and religious calendar which in preexilic as well as in postexilic times commenced on the first day of Nisan.⁸ Even during the Judaeen revolts of 66–70 and 132–35 when the era of “the Redemption of Israel” was proclaimed, the year began in the spring.⁹ But such was the influence of the institution of Shemitah that it played a major role in the gradual shifting of the Near Year from Nisan to Tishri, which has been formalized into our Rosh Hashanah. The fact that the Sabbatical year did not coincide during the period of the Second Temple with the civil and religious year probably explains why the Shemitah cycle was rarely employed, except in sectarian circles, for reckoning time.

Third, a study such as this is now possible for the period of the Second Temple, but not, in the present state of knowledge, for the biblical times. It is not only that, as has been mentioned, we do not know the workings of institutions of Shemitah and Jubilee during the days of David and the monarchy, but we are also ignorant of the basic chronology of the period.¹⁰ Midrashic chronography, as advocated in the talmudic treatise *Seder Olam*, is of no help. Tannaitic chronography assumed an interval of 480 years from the exodus to the building of the Solomonic Temple (I Kings 6:1) and 410 years from its construction to the final destruction by Nebuchadnezzar, for a total of 890 years. Deducting 40 years for the wanderings in the desert and 14 for the conquest of Canaan, or a total of 54 years, whereupon the Sabbatical and Jubilee cycles went

7 M. Rosh Hashanah I. 1; cf. Lev. 25:9.

8 Except for agricultural activities, biblical chronology (Neh. 1:1; 2:1 which is probably corrupt) uniformly assumes that the year begins in the first month of spring, which in post-exilic times is called Nisan. See also Philo, *De Sp. leg.* I, 180; Josephus, *A.J.* I, 80–82; M. Rosh Hashanah, I, 1, and talmudic commentaries thereon. Morgenstern, “The Three Calendars of Ancient Israel,” *HUCA* I (1924), 13–78, “Supplementary Studies in the Calendars of Ancient Israel,” X (1935), 1–148; S. Zeitlin, *Megilat Taanit as a Source for Jewish Chronology and History in the Hellenistic and Roman Periods* (Philadelphia: The Dropsie College for Hebrew and Cognate Learning, 1922); E. A. Mahler, *Handbuch für jüdischen Chronologie* (Frankfurt am-Main, 1916, reprinted in Hildesheim: Georg Olms, 1971), among others, have been misled by a misinterpretation of M. Rosh Hashanah, I, 1, that Tishri, not Nisan, was the first month of the year during the Second Temple. More recent books, such as E. Frank *Talmudic and Rabbinical Chronology* (New York: P. Feldheim, 1956), 18; J. Finegan, *Handbook of Biblical Chronology* (Princeton, N.J.: Princeton University Press), 89–92, are also not reliable.

9 See now B. Kanael, “Notes on the Dates Used During the Bar Kokhba Revolt,” *Israel Exploration Journal*, 21 (1971), 39–46. For the evidence from talmudic literature, see Ch. Albeck, *Shishah Sidre Mishnah* (Jerusalem: Mosad Bialik, 1956), II, 306.

10 See Ch. Tadmor, “Khronologyah,” *Encyclopaedia Biblica* (Jerusalem: Mosad Bialik, 1962), IV, 245–310.

into effect, the Rabbis computed that during the remaining 836 years ($890 - [40 + 14] = 836$), there were altogether 16 Jubilees ($836:50 = 16 + 36$) and that the destruction of the Solomonic First Temple occurred during a post-Sabbatical year ($36:7 = 5 + 1$).¹¹ Obviously, midrashic chronography is of no help for the student of Shemitah; but neither is modern scholarship dealing with the chronology of the biblical period. For the postexilic period, however, the papyri recently discovered in the Judaean Desert help to solve the problem.

Of the vast literature that deals with our subject, a little known monograph by Benedict Zuckermann deserves special mention. In 1856 Zuckermann published a study of the Jubilee and Sabbatical years to which he appended a table of Shemitot from 535/34 B.C.E. to 2238/39 C.E.¹² Such was Zuckermann's technical competence that, directly or indirectly, his datings of the Shemitot have, often in a modified form, elicited the approval of scholars, including such authorities as Emil Schürer, F. M. Ginzler, Solomon Zeitlin, and T. S. Milik.¹³ But a handful of dissenting voices, Heinrich Graetz, Friedrich Unger, and Ralph Marcus, among others, have noted that this accepted chronology of Shemitot was ahead of some recorded dates by one year.¹⁴ Of course, such a difference between the two views may seem insignificant, but let us not forget that a calendar that misses by a year is always wrong. In fact, the dating of

11 Seder Olam 11 (ed. B. Ratner, Wilno, 1897) pp. 48–50; Bab. Tal. Arakhin 12b–13a. Actually, it occurred 17 jubilees (850 years) from the entry into Canaan. This calendar, which is contrary to Rabbi Judah's view (cited in note 3; cf. note 4), is based on Ez. 40:1, which synchronizes the 25th of our exile, Rosh Hashanah, 10th of the [7th] month, with 14 years after the fall of the city. Seder Olam interprets the New Year of the 10th day of the month to refer to a Jubilee year, which fell 14 years after Hurbān, 25 years after the exile of Jeconiah, hence the Hurbān occurred in the 36th of Jubilee cycle. Cf. also Maimonides, note 6 and *Teshuvot Harambam* (Jerusalem: Mekize Nirdamim, 1934), No. 234, pp. 221–23.

12 Benedict Zuckermann, "Ueber Sabbatjahrcyclus und Jobelperiode," *Jahresbericht des jüdisch-theologischen Seminars "Fraenckelscher Stiftung"* (Breslau, 1857). Pages 2–3 list the literature to his day; 43–45, a table of Sabbatical years.

13 Emil Schürer, *Geschichte des jüdischen Volkes* (Leipzig, 1901), 14, 35–37, who updated the literature (p. 37); F. K. Ginzler, *Handbuch der mathematischen und technischen Chronologie* (Leipzig, 1911), II, 52–54; S. Zeitlin (note 8); *The I Book of Maccabees* (New York: Harper & Brothers, 1950), 254–57; for T. S. Milik, see below sections 7 and 9. See also H. J. Bornstein, "Heshbon Shemitim Veyovelot," *Hatekufah*, 11 (1921), 230–60; Mahler, *Handbuch* (note 8), 115; Frank (note 8), 74–76.

14 H. Graetz, *Geschichte der Juden* (Leipzig, 1906), III⁵, 2, 654–57; F. Unger, *Sitzungsberichte der Münchener Akademie* (philos. philol. und historische Classe [1895]), 208–81; R. Marcus, in notes to *A.J.* XII, 378; XIII, 234; XIV, 475 (Loeb Classical Library).

events such as John Hyrcanus' accession to the high priesthood and the beginning of the Bar Kosba revolt depend on the chronology of Sabbatical years. This study reviews the entire evidence showing that Zuckermann's calendar of Shemitot is no longer acceptable in light of the recently discovered epigraphical and papyrological documents. Unlike Zuckermann's study, however, which deals with Shemitot from the days of Moses to modern times, this essay is limited to the period of the Second Temple and the Tannaim and Amoraim.

THE EVIDENCE

1. THE PLEDGE TO KEEP SHEMITAH

The memoirs of Ezra, as preserved in Neh. 8–10, record the first allusion to the observance of the Sabbatical year after 587 B.C.E. Chapter 8 reports that, led by Ezra, the Judaeans assembled on the first of Tishri (the year is not given) to hear Ezra and his associates recite from the Mosaic Torah; Chapters 9–10 transcribe the events of the meeting of the assembly on the twenty-fourth of the same month, when the Israelites, fasting and wearing sacks, confessed to their past sins and solemnly swore to observe the Law, specifying significant commandments, such as the prohibition of intermarriage, the observance of the Sabbath, and the routine of the Temple. After mentioning the pledge not to trade with the foreign people on Sabbaths and Holy Days, Neh. 10:32(31) concludes: "We will forego the crops of the seventh year and the exaction of every debt."

Does the pledge to observe the Shemitah suggest that this institution referred to had been only recently inaugurated? If the answer is yes, this passage, assuming it could be dated, would yield the time when the calendar of Shemitah, which apparently continued without interruption to the fifth century of the post-Christian era, was introduced.¹⁵ It is more likely, however, that the pledge to observe the Shemitah referred not to a new but to a well-known but neglected institution. The brevity and technical nature of Neh. 10:32(31)c suggests that the concept of Shemitah was then quite established. In fact, the pledge ונטש את השנה indicates that this wording telescoped Exod. 23: 10–11: ויש שנים תורע את ארצך ואספת את תבואתה והשביעית תשמטנה וזה דבר השמטה שמוט כל בעל משה ידו... with Deut. 15:2: ונטשתה

15 Cf. J. Wellhausen, *Prolegomena to the History of Ancient Israel* (New York: Meridian Library, 1957), 116–20, Hildegard and Julius Lewy, "The Origin of the Week and the Oldest West Asiatic Calendar," *HUCA*, 17 (1942/43), 97, note 391. Wellhausen regarded the institutions of Jubilee and Shemitah as Priestly, hence post-exilic; the Lewy's found their traces in Assyrian records.

with the spaced words directly borrowed from these passages.¹⁶ The Sabbatical year, like the weekly Sabbath, which is also mentioned in the first half of Neh. 10:32(31), apparently had been an ancient norm, certainly going back to pre-exilic times, and possibly to the time of the very inauguration of the Sabbath.

It cannot be denied, however, that Neh. 10:32(31) suggests a situation reflecting greater neglect of the laws of Shemitah than those of the weekly Sabbath. With regard to the latter, our passage alludes to the laxness of trading with foreigners, mentioned again in Neh. 13:14–22; as to the former, the pledge refers to the basic legislation of Shemitah. The evidence is not decisive, however, whether the computation of Shemitot began at the time of this pledge or had then been established. My own inclination is for the latter alternative. If so, the appended calendar of Sabbatical years (Appendix) begins with the period of Zerubabel circa 519–18 B.C.E.

As to the date in Neh. 10, this chapter is part of frequently debated but unresolved issues of post-exilic chronology, into which we cannot enter here.¹⁷ Briefly, the main problem is whether to assign Neh. 10 to Ezra's memoirs though it appears to be a part of Neh. 8–10; or, on the other hand, to assign chapter 10 to Nehemiah alone, since his name heads the list of men who signed the pledge (Neh. 10:2).¹⁸ If our passage belongs to Ezra, then the crucial date is the 7th year of Artaxerxes (Ezra 7:1), either 458 B.C.E. (if Artaxerxes I) or 397 if Artaxerxes II). But if our passage belongs to the days of Nehemiah, as many scholars maintain, the likely date of our passage is sometime after the 20th year of Artaxerxes II (allusions in the Elephantine papyri exclude Artaxerxes I), i.e., 445 B.C.E. (Neh. 1:1).¹⁹

Briefly, we regard Neh. 10:32(31)c as a reasonably datable allusion to the observance of Shemitah during the post-exilic period, but because of the many doubts involved, forego its precise dating.

2. ALEXANDER EXEMPTS THE JEWS FROM TAXATION

DURING SHEMITAH

A lost semi-fictional semi-historical treatise, partly preserved by Josephus in his *Jewish Antiquities*, XI, 313–47, contains the second post-exilic

16 Cf. Rashi on Neh. 10:32; W. Rudolph, *Ezra und Nehemia*. Handbuch zum Alten Testament (Tübingen: Mohr, 1949), 177.

17 H. H. Rowley, "The Chronological Order of Ezra and Nehemiah," in *The Servant of the Lord*² (Oxford: Blackwell, 1965).

18 Cf. Rudolph, *Ezra und Nehemia*, 169; 173.

19 See now Emil G. Kraeling, *The Brooklyn Museum Aramaic Papyri* (New Haven; Yale University Press, 1953), 106–9; Peter Ackroyd, *Israel Under*

allusion to the observance of the Shemitah.²⁰ In fact, the author of this treatise makes Shemitah the focal point of his argument showing how Alexander favored the Jews, but disliked the allegedly two-faced Samaritans. After his conquest of Gaza the Macedonian king marched against the Judaeans, who had remained faithful to Darius.²¹ But upon reaching Jerusalem and seeing the face of the high priest, Alexander recalled that it was the same face of a person he had seen in a dream, and who promised him the conquest of the Persian empire. After sacrificing at the Temple, the conqueror asked what gifts the Jews would like to receive. The high priest then requested that the Jews be permitted "to observe their ancestral laws and that each septennial year they be exempt from tribute;" all of which Alexander gladly granted.²² The Samaritans, to whom Alexander had formerly given permission to build a sanctuary on Mount Gerizim, thereupon begged that the same exemption from tribute on the Shemitah be also granted to them. Alexander asked them whether they considered themselves Jews; the Samaritans replied that they were not Jews but Hebrews, known as Sidonians of Shechem. Alexander rejected the Samaritans' request, for the remission of tribute on account of Shemitah was granted only to the Jews.²³

Since the story of Alexander's visit to Jerusalem is fictional and since this "treatise" is marked by a strong anti-Samaritan bias, Alexander's involvement in the Shemitah may not be historical. It is a fact, however, that the Macedonian rulers, like the Persians who preceded them, and the Romans who followed them, remitted the taxes of the Sabbatical years. It does not matter whether Alexander himself, as our treatise claims, or one of his subordinates, as seems more probable, remitted the taxes. It is likely that the privileges bestowed on the Jews to follow their ancestral laws, including the keeping of Shemitah, were granted sometime after Alexander's conquest of Tyre and Gaza.²⁴ The only remaining question is the likely date of these privileges.

Babylon and Persia (London: Oxford University Press, 1970), 191–96.

20 Cf. Megillat Ta'anit (*HUCA*, 8–9, (1931/32), 339–40; Yoma 69a; See also Pseudo-Callisthenes, II, 24 (ed. C. Mueller, Paris, 1877); R. Marcus, "Appendix C," in Loeb edition of Josephus, VI, pp. 512–32. But Marcus' doubts concerning the historicity of Alexander's privileges (pp. 530–31) are not justified. See now A. Schalit, in *Encyclopaedia Judaica*, II, 577–79.

21 *A.J.* XI, 317 f.

22 *A.J.* XI, 338: τοῦ δ' ἀρχιερέως αἰτησαμένον χορῆσθαι τοῖς πατρίοις νόμοις καὶ τὸ ἑβδομον ἔτος ἀνελσφογον εἶναι, συνεχώρησε πάντα. See also below, note 25, for a similar privilege by Caesar. The Jews also requested that their coreligionists of Media and Babylonia be permitted to follow their ancestral laws, allowing any Jew to join Alexander's army, while adhering to the customs of his people.

23 *A.J.* XI, 340–45.

24 See note 22. Some scholars, Mahaffy, for example, speculate that Alex-

Alexander's movements during his conquest of the Near East are more or less known. After a six-month siege, Alexander seized Tyre in August of 332 B.C.E.; Gaza's resistance lasted till November, by the end of which month he reached Egypt; and evidently in January of 331 he laid the foundation of Alexandria; in the spring Alexander was back in Tyre, appointing a satrap for Coele-Syria; and in summer he reached Mesopotamia on his way to Babylon and the Far East, never to return to the West. According to Zuckermann's calendar of Sabbatical years, the beginning of the Shemitah of Tishri 332/Elul 331 coincided roughly with Alexander's investment of Gaza. However, according to my reckoning, the Shemitah season occurred a year later, in 331/30 B.C.E. The commencement of the Sabbatical year coincided roughly with the battle of Gaugamela, on October 1, 331. This is the case because although either chronology of Shemitot could be made to fit into the historical events, it would seem that the latter dating is preferable, for it is unlikely that Alexander settled minor problems of governing Judaea at a time when his energies were engaged in conquering the eastern Mediterranean coast. It appears more probable that Alexander or his satrap granted the privileges to the Jews, chief of which was tax exemption during a Shemitah year, in the spring or summer of 331, with the beginning of the Sabbatical year due in the fall of the same year.²⁵

3. JUDAH MACCABEE'S DEFEAT AT BETH-ZUR ASCRIBED TO SHEMITAH

The First and Second Books of Maccabees report that Antiochus V Eupator (Dec. 164–Oct. 162 B.C.E.) and his general Lysias, in their attempt to crush the Judean rebellion, besieged Beth-Zur, a fortified town south of Jerusalem.²⁶ I Macc. 6:49 attributes the fall of Beth-Zur to the town's "having no food to withstand a siege as it was a Sabbath in the land."²⁷ Antiochus' forces, after taking this fortress, invested the area of the Temple. The resistance was feeble, according to I Macc.

ander deliberately pursued a pro-Jewish policy, since there were many Jews in Babylonia.

²⁵ Alexander's remission of taxes during Shemitah should be compared to the grant of Julius Caesar: "Gaius Caesar, Imperator (and Dictator: *Lat.*) for the second time, has ruled that they shall pay a tax for the city of Jerusalem, Joppa excluded, every year except in the seventh year, which they call the Sabbatical year, because in this time they neither take fruit from the trees nor do they sow . . ." (Marcus' translation in Loeb's *A.J.* XIV, 202). If the Latin reading "dictator for the second time" is correct (so Niese, in apparatus) which is by no means certain, the decree was issued early 44. Tishri 44/Elul 45 was a Shemitah.

²⁶ I Macc. 6:20–54; II Macc. 13:1–26.

²⁷ καὶ ἐποίησεν εἰρήνην μετὰ τῶν ἐκ Βαθσουρων, καὶ ἐξῆλθον ἐκ τῆς πόλεως, οἱ οὐκ ἦν αὐτοῖς ἐκεῖ διατροφή τοῦ συγκεκλεισθαι ἐν αὐτῇ, ὅτι σάββατον ἦν τῇ γῇ.

6:53 since "there was no food in the storerooms because it was the seventh year."²⁸ Josephus amplifies this account of First Maccabees with details which apparently reflected the observance of Shemitah in his own day: "This [the Jews'] supply of food, however, had begun to give out, for the present crop had been consumed, and the ground had not been tilled, but had remained unsown because it was the seventh year, during which our laws oblige us to let it lie uncultivated. Many of the besieged, therefore, ran away because of the lack of necessities, so that only a few were left in the temple."²⁹

First and Second Maccabees differ, however, as to the date of Antiochus V's march into Judaea. II Macc. 13:1 dates the march in the 149th year of the Seleucid era, I Macc. 6:20, repeated by Josephus, in the 150th year. Presumably (though this remains a question) the capture of Beth-Zur as well as the siege of the Temple during Shemitah, which are described in I Macc. 6:48-53, occurred within the same calendar year as recorded either in II Macc. 13:1 or in I Macc. 6:20, i.e. in the 149th or 150th year of the Seleucid era.

A number of complex technical questions need to be considered before we can confidently give the Julian date of the Shemitah mentioned in First Maccabees.

1. Does the different dating of Antiochus' campaign in First and Second Maccabees reflect a real difference or is the difference only apparent and due merely to a difference in their calendars?

2. The Seleucid era, employed by First and Second Maccabees, commemorates Seleucus' entry into Babylon in October of 312 B.C.E. But the occasion for the beginning of the Seleucid era varied from city to city. In Antioch the year began on the first of the Macedonian month Dios, i.e., October; in Babylon, on the first of Nisannu.³⁰ What calendar(s) was (were) used by the authors of the Maccabean Books?³¹

3. Many details of the Judaeian calendar during this period remain unknown. A number of scholars have maintained that the festival now known as Rosh Hashanah, which falls on the first of Tishri (September-October) was regarded then as the beginning of the year. But the Mac-

28 βρώματα δὲ οὐκ ἦν ἐν τοῖς ἀγγείοις διὰ τὸ ἑβδομον ἔτος εἶναι.

29 A.J. XII 378 (Marcus' translation, in Loeb).

30 See Elias Bickerman, *Chronology of the Ancient World* (Ithaca, N.Y.: Cornell University Press, 1968), 71.

31 Walther Kolbe, *Beiträge zur syrischen und jüdischen Geschichte* (Beiträge zur Wissenschaft von Alten Testament, Heft 10; Stuttgart, 1926), 19-58, offers a fair summary of the controversy. But his work has become somewhat obsolete since the publication of *Babylonian Chronology* by R. Parker and W. Dubberstein (Providence, R.I.: Brown University Press, 1956). See also Klaus-Dietrich Schunck, *Die Quellen des I. und II. Makkabäerbuches* (Halle: Max Niemeyer, 1954), 16-31.

cabean books, like all other biblical sources, without exception, take it for granted that Nisan was the first month.³² There is no doubt, however, that the season of Shemitah commenced on the first of Tishri and ended on the last day of Elul.³³

4. Several scholars have added to these complexities of the problem by suggesting not only that First and Second Maccabees use diverging calendars, but that First Maccabees itself reflects two calendars, depending whether the date used was taken from a Seleucid or from a Jewish source. To this must be added a third variable, when one does not know, which is the case in most instances, whether the source happens to be Seleucid or Jewish.³⁴

This is not the place to discuss the pros and cons of the calendrical controversies except as they relate to the Sabbatical year mentioned in I. Macc. 6:49–53. Table One offers five proposed synchronisms, by no means exhaustive, of the Julian dates and the Sabbatical year under discussion.

TABLE ONE

Source	Anno Sel.	B.C.E.	Shemitah
A. II Macc. 13:1	149	Tishri 164/Elul 163	Tishri 164/Elul 163
I Macc. 6:20	150	Tishri 163/Elul 162	Tishri 164/Elul 163
B. II Macc. 13:1	149	Oct. 164/Sept. 163	Tishri 164/Elul 163
I Macc. 6:20	150	Nisan 163/Adar 162	Tishri 164/Elul 163
C. II Macc. 13:1	149	Oct. 164/Sept. 163	Tishri 164/Elul 163
I Macc. 6:20	150	Nisan 163/Elul 162	Tishri 164/Elul 163
D. II Macc. 13:1	149	Nisan 163/Adar 162	Tishri 163/Elul 162
I Macc. 6:20	150	Nisan 162/Adar 161	Tishri 163/Elul 162
E. II Macc. 13:1	149	Oct. 163/Sept. 162	Tishri 163/Elul 162
I Macc. 6:20	150	Nisan 162/Adar 161	Tishri 163/Elul 162

Table 1 shows some of the divergent datings of Antiochus V's entry into Judaea during a Sabbatical year. A, B and C follow Zuckermann's table of Sabbatical years; D and E are in accord with the calendar prepared in this paper. A presumes that either the dating of I Macc. 6:20 is in error or that the reference in I Macc. 6:49, 53 to a Shemitah in fact means to say a post-Shemitah year. B assumes that since Antiochus' campaign started in the summer of 163, there is no divergence between

32 See above, note 8.

33 Cf. Lev. 25:9; M. Rosh Hashanah, I.1.

34 See J. C. Dancy, *A Commentary on I Maccabees* (Oxford: Blackwell, 1954), 50 f.

Zuckermann's table of Shemitot and the Maccabean differing datings; this difference resulted from the fact that the First Book of Maccabees follows the Jewish practice of beginning the year in Nisan; Second Maccabees follows the Seleucid calendar of starting the year in October. C accepts B's reasoning, but, because of other alleged divergences between the chronological schemes of the two Maccabean books, assumes that I Macc. posits a Seleucid era which started in Nisan 311; II Macc., in October 312 B.C.E.

D differs from E in that it presumes an error in First Maccabees; while E grants that I Maccabees began the Seleucid era in October 312 and II Maccabees, in Nisan 311; both sources agree that Antiochus V's campaign occurred in the spring or summer of 162.³⁵

This somewhat technical discussion suggests that although I Macc. 6:20-53 assures us that a Shemitah occurred in either 164/63 or 163/62 B.C.E., the evidence from here alone is not conclusive.

4. THE MURDER OF SIMON THE HASMONEAN IN 177 A.S.

The next dated Shemitah occurred during the year of the murder of Simon the Hasmonean and the accession of John Hyrcanus. I Macc. 16:14-21 reports that Simon and his two sons, Mattathias and Judas, while visiting Simon's son-in-law, Ptolemy, in Dok, near Jericho, were treacherously murdered by Ptolemy, "in the eleventh month, which is called Sabat (Shevat), of the 177th year."³⁶ The account goes on to relate that Simon's third son, John, escaped the assassin's hands, an episode with which the First Book of Maccabees ends.³⁷

Josephus, who here used a source other than that of First Maccabees, does not mention the date of Simon's assassination, but he does say in the *Antiquities* that Simon ruled eight years.³⁸ Furthermore, Josephus adds in both the *Bellum* and *Antiquities* that John Hyrcanus' efforts to avenge the heinous crime were futile,³⁹ for while John besieged Ptolemy's fortress, which Josephus calls Dagon, "there came round the year in which the Jews are wont to remain inactive, for they observe the custom every seventh year, just as on the seventh day. And Ptolemy, being relieved

35 See note 31. Cf. E. Bickerman, "Mackabäerbücher," *R.E.* 27 (Stuttgart, 1928), 779-97; Schürer, *Gesch. d. jüd. Volkes*, I⁴, 35-37; Zeitlin, *The I Book of Macc.*, 254-61; Starcky, in *Les livres des Maccabées* (La Sainte Bible, Paris: les Éditions du Cerf, 1961), 47; 136, note d.; F. Kugler, *Von Moses bis Paulus* (Münster, 1922), 5; J. Jeremias, *Jerusalem in the Time of Jesus* (Philadelphia: Fortress Press, 1969), 140-44.

36 I Macc. 16:14.

37 I Macc. 16:21-22 (John's escape), 23-24 (book ends).

38 *A.J.* XIII, 228.

39 *B.J.* I, 54-60; *A.J.* XIII, 228-35.

from the war for this reason, killed the brothers and the mother of Hyrcanus (the mother is not mentioned in I Maccabees), and after doing so fled to Zenon, surnamed Cotylas, who was the ruler of the city of Philadelphia."⁴⁰

One might suggest, perhaps gratuitously, as did Walter Otto, that the Shemitah was a historian's invention in order to excuse John Hyrcanus for letting Polemy escape unpunished.⁴¹ But this is highly unlikely, for the 177th A.S. necessarily must have been a Shemitah if the 149th or 150th A.S., mentioned in section three, was one; this excludes the possibility that chroniclers simply manufactured Sabbatical years haphazardly. By juxtaposing the 149 and 177 and Shemitot we can conclude that the calendar of Sabbatical years was required rather than arbitrary, politically motivated, or an invention of apologists.

As to the Julian year of the Shemitah under discussion, Table Two shows three divergent schemes as proposed, among others, by Schür(er),⁴² Zuck(ermann),⁴³ and Wach(older), preceded by the suggested dates of the Shemitah treated in the previous section:

TABLE TWO

A.S.	B.C.E.	Shemitah (Schür)	Shemitah (Zuck)	Shemitah (Wach)
148	Nisan 165/Adar 164	Tishri 164/Elul 163		
149	Tishri 164/Elul 163		Tishri 164/Elul 163	
149	Nisan 163/Adar 162			Tishri 163/Elul 162
TWENTY-EIGHT YEARS LATER				
176	Nisan 137/Adar 136	Tishri 136/Elul 135		
177	Tishri 136/Elul 135		Tishri 136/Elul 135	
177	Nisan 135/Adar 134			Tishri 135/Elul 134

Granting that Josephus' dating of Simon's assassination in Shebat 177 A.S. presupposes a Julian date of Shemitah in 135/34 B.C.E., Schürer suspects not only the date but also the reliability of the tradition. Josephus' statement that, like the weekly Sabbath, the Sabbath of years was a period of inactivity, according to Schürer, was not factual and

40 *A.J.* XIII, 234 f.; *B.J.* I, 60: *τριβομένης δὲ διὰ ταῦτα τῆς πολιορκίας ἐπέστη τὸ ἀργὸν ἔτος, ὃ κατὰ ἑπταεταίαν ἀργεῖται παρὰ Ἰουδαίους ὁμοίως τοῖς ἑβδομασίαν ἡμεραῖς...*

41 Walter Otto, "Herodes," No. 14, *R.E.*, Suppl. II (1913), 31 note (34); separately printed (Stuttgart, 1913), 33 note (36).

42 Schürer, *Gesch. d. jüd. Volkes*, I⁴, 36; 259.

43 Zuckermann, "Ueber Sabbatjahrcyclus," 33.

was based on an unreliable pagan source.⁴⁴ For the true reason of Hyrcanus' lifting of the siege was not the inactivity of the alleged Shemitah of 135/34, but the hunger of the historical Shemitah of 136/35. Schürer's dating of Simon's death in February of 135, however, results in a chronology of Hasmonean high priests that is inconsistent with Josephus' traditions in general. Josephus says that Simon held the high priestly office eight years (meaning no doubt from 170 to 177 A.S.), but Schürer attributes to Simon only seven years, from 142 to February 135;⁴⁵ Josephus gives John Hyrcanus a reign of thirty-one years, Schürer has thirty-two, from February 135 to 104 B.C.E.⁴⁶ Some scholars rightly reject Schürer's Hasmonean chronology, but inconsistently follow Schürer's table of Sabbatical years.⁴⁷

Josephus' dating of Simon's death during the Shemitah of 177 A.S., which is equivalent to 135/34 B.C.E., offers unambiguous testimony for the calendar of Sabbatical cycles appended to this study.

5. HEROD'S CONQUEST OF JERUSALEM

In his detailed account of Herod, Josephus speaks of a Sabbatical year in connection with the protracted siege of Jerusalem which was led by the Rome-appointed Jewish king and the Roman general Sossius.⁴⁸ The siege evidently began in the spring of 37 B.C.E. and lasted, according to *B.J.* 5:398, six months; according to *B.J.* 1:351; until the fifth month; but according to *A.J.* 14:487, in the third month. *A.J.* 14:476, says, however, that the taking of the first wall lasted forty days, the second wall fifteen days, making a total of fifty-five days of siege. Some scholars favor the version of minimal length; others, the full five months.⁴⁹

44 Schürer, *Gesch. d. jüd. Volkes*, I⁴, 36. Schürer's construction of ἀργέω uncultivated or inactive, employed by Josephus, probably means only that it is related to the rest of the Sabbath, not that types of rest of the two were alike. Schürer's understanding of Shemitah as described by Tacitus (*Hist.*, V, 4), that it required total rest, is probably too literal.

45 *A.J.* XIII, 228; Schürer, *ibid.*, I⁴, 241, n. 1.

46 *A.J.* XIII, 299; XX, 240; *B.J.*, I, 68 has 33 years. Schürer *ibid.*, I⁴, 256.

47 Cf. Kolbe, *Beiträge*, 26–28; Jean Starcky, in *Les livres des Macc.*, 49; Jeremias, *Jerusalem in the Time of Jesus*, 140–44; 377. See also E. Meyer, *Ursprung und Anfänge des Christentums* (Stuttgart and Berlin, 1921), II, 232, n. 1, who is consistent in coordinating Zuckermann's calendar of Shemitot with Hasmonean chronology; Ralph Marcus, in his notes to *A.J.* XII, 378; XIII, 234, differs with Schürer on the table of Shemitot, but follows Schürer in the dating of the Hasmonean princes.

48 *B.J.* I, 343–57; *A.J.*, XIV, 465–91. Otto, *R.E.*, Suppl. II, 30–34; Reprint, 32–37; see now Abraham Schalit, *König Herodes: Der Mann und sein Werk* (Berlin: Walter de Gruyter & Co., 1969), 95–97; 764–68.

49 Otto, *R.E.* Suppl. II, 30 f., Reprint, 36 f. argues that the siege lasted

The latter cite as evidence *A.J.* 14:487, that the city fell "on the day of fast" (*τῇ ἑορτῇ νηστείας*), which, taken to mean the Day of Atonement, implies that Jerusalem was conquered in October. The scholars who argue that Herod's siege lasted only fifty-five days or so, until June or July, explain that *ἑορτῇ* here means not the Day of Atonement but (erroneously, they say) the Sabbath, the fast of Tammuz; or, if it does mean Yom Kippur, this was an invention of an anti-Herodian chronicler, which Josephus thoughtlessly copied.⁵⁰ But, except for the last explanation, which is conceivable, it seems rather unbelievable that Josephus (or his source) would have either confused the Sabbath with the Yom Kippur or that the fast of Tammuz could have been called *the* fast day, to commemorate a date when Jerusalem was twice conquered, first by Pompey (63 B.C.E.) and twenty-seven (twenty-six?) years later, in 37 B.C.E.

Josephus gives another datum by referring to a Sabbatical year. Describing Jerusalem's famine during the siege, *A.J.* 14:475 adds that it was aggravated "for a Sabbatical year happened to fall at that time."⁵¹ Since the defense of the Holy City against Herod took place in the spring and summer of 37 B.C.E., as expressly dated by Josephus, the Sabbatical year must have begun in Tishri 1 of 38 B.C.E. If so, it follows that the two Sabbatical years discussed in the previous two sections, sixteen (section 3) and twelve Shemitot (section 4) earlier, must be dated respectively in 164/63 and 135/34 B.C.E. Zuckermann and the scholars who have accepted his calendar of Sabbatical years, cite the Shemitah during Herod's siege of Jerusalem as the basis for their version of the calendar of Shemitot.⁵²

But the evidence here from Josephus is not quite as clear-cut as it would seem. For Josephus, in *A.J.* 15:6–7, after describing the terrible sufferings which Herod inflicted upon Jerusalem's population, adds: "And there was no end to their troubles, for on the one hand their greedy master, who was in need [of money], was plundering them, and on the other hand the seventh year, which came round this time, forced them to leave the land unworked, since we are forbidden to sow

3 months; J. Klausner, *Historiah shel Habayit Hasheni*² (Jerusalem: Ahiasaf, 1950), III, 269 f., favors the account of a long siege; Schürer, *Gesch. d. jüd. Volkes*, I⁴, 358, note 11, cites the literature and the diverse opinions. See also Schalit, *König Herodes*, 464–66.

50 Herzfeld, *MGWJ*, 5 (1855), 109–15, and Graetz, *Gesch.*, III⁵ (1905), 161, note 1, maintain that the city fell on a Sabbath day; Schalit (following Otto) rejects the tradition—a fastday—altogether (see note 49).

51 *A.J.* XIV, 475: τὸν γὰρ ἑβδοματικὸν ἐνιαυτὸν συνέβη κατὰ ταῦτ' εἶναι.

52 In a note *A.J.* XIV, 475, Marcus argues that Josephus either erred here in dating Herod's capture of Jerusalem in the summer of 36 B.C.E. (see XIV, 488), rather than in 37, or that he alluded to the forthcoming Sabbatical year of 37–36.

the earth at that time.”⁵³ The phrase *ἐνειστήκει γὰρ τότε* which Marcus has rendered “which came round at that time,” seems to suggest that the Shemitah fell not during the siege but after it had ended, i.e., while Herod was master of Jerusalem. If the city fell on Yom Kippur, as Josephus says it did, *A.J.* 15:7 would seem to refer to the Shemitah of 37/36 B.C.E. But even if the city fell in Tammuz, as some scholars argue, it is quite likely that Josephus here alludes to the first year of Herod’s reign, virtually all of which fell during the Sabbatical year of Tishri 37/Elul 36.⁵⁴ But however one dates the fall of Jerusalem to Herod, there is no escaping the fact that Josephus’ evidence here for the calendar of Sabbatical years appears to be contradictory: *A.J.* 14:475 suggests that the Shemitah fell during the Julian years 38/37; *A.J.* 15:7, 37/36 B.C.E. Both cannot be right.

6. KING AGRIPPA I RECITES DEUT. 7:15 IN A POST-SABBATICAL YEAR

Referring to Deut. 31:10–13, which ordains the public recitation of the Law “at the end of every seven years, at the set time of the year of release, at the feast of booths,” Mishnah Sotah 7:8 says: “The section of the king, how [is it recited]? On the day following the first day of the Festival (Sukkot), on the eighth year, during a post-Shemitah, they make for him [the king] a platform of wood in the Temple Court on which he sits as it is written: ‘At the end . . .’ (Deut. 31:10). The *hazzan* of the synagogue takes the scroll of the Torah and hands it to the head of the synagogue, the head of the synagogue hands it to the sagan (assistant of the high priest), the sagan to the high priest, the high priest hands it to the king, the king receives it standing and reads it sitting. But King Agrippa received it standing and read it standing, and the sages praised him. And when he [Agrippa] reached (Deut. 17:15): ‘You many not put a foreigner over you who is not your brother,’ his eyes flowed with tears. They [the sages] said to him: ‘Fear not, Agrippa, you are our brother! you are our brother! you are our brother!’”⁵⁵

53 *πέρας τε κακῶν οὐδὲν ἦν. τὰ μὲν γὰρ ἡ πλεονεξία τοῦ κρατοῦντος ἐν χειρὶ γεγενημένου διεφόρει, τὴν δὲ χώραν μένειν ἀγεώργητον τὸ ἐβδοματικὸν ἡγάγαζεν ἔτος. ἐνειστήκει γὰρ τότε, καὶ σπείρειν ἐν ἐκείνῳ τῇ γῇ ἀπηγορευμένον ἔστιν ἡμῖν.*

54 See note 52. The Marcus-Wikgren note to *A.J.*, XV, 7 (Loeb) is worth repeating: “The Sabbatical year extended from Oct. 37 to Oct. 36 B.C., although Josephus may have placed it a year earlier; see the notes to *Ant.* XII. 387, and XIV. 475.”

55 פרשת המלך כיצד? מוצאי יום טוב של חג, בשמיני במוצאי שביעית, עושין לו בימה של עץ בעזרה, והוא יושב עליה, שנאמר: ‘מקץ שבע שנים במועד’ וגו’, חזן הכנסת נוטל ספר תורה ונותנה לראש הכנסת, וראש הכנסת נותנה לסגן, והסגן נותנה לכהן גדול, וכהן גדול נותנה למלך, והמלך עומד ומקבל וקורא יושב. אגריפס המלך עמד וקבל וקרא עומד,

Beginning with Wieseler,⁵⁶ the dating of this story has often been debated. Since King Agrippa II (28–92 or 93 C.E.) had no control of Jerusalem and probably could not or would not read Hebrew, scholars generally have assumed that Mishnah Sotah 7:8 referred to King Agrippa I (10 B.C.E.–44 C.E.).⁵⁷ A man with a checkered career, he was imprisoned by Tiberius; in 37 C.E. Caligula appointed him king of Herod Phillipus' tetrarchy of Gaulanitis and Trachonitis; in 39, he was awarded Herod Antipas' realm of Galilee and Peraea; in 41 Claudius added Judaea and Samaria to his kingdom. Agrippa died in 44.⁵⁸

What is the date of Agrippa I's reading of Scripture? It is generally assumed that this occurred during the post-Sabbatical Sukkot of 41 C.E., for following Zuckermann's chronology, Tishri 40/Elul 41, was a Shemitah, the only one to fall during Agrippa I's reign of Judaea (41–44) and indeed of his entire realm (37–44).

An incidental remark in Josephus shows, however, that 40/41 could not have been a Shemitah. Describing in great detail the rebellious mood in Judaea which followed Caligula's order to place his statue in the Temple, *A.J.* 18:271–72 speaks of the Jewish petitioners at Tiberias, who said that they were ready to die rather than to violate their ancestral laws: "And falling on their faces and baring their throats, they declared that they were ready to be slain. They continued to make these supplications for forty days (fifty: *B.J.* 2:200). Furthermore, they neglected their fields, and that, too, though it was time to sow the seed."⁵⁹ Philo Alexandrinus, referring to the same incident records: "For the wheat crop was just ripe and so were the other cereals."⁶⁰ We know that the turmoil in Judaea described by both Josephus and Philo took place during the final months of the reign of Caligula, who was assassinated on the twenty-fourth of January of 41 C.E. Since these Jews were ready to die for the Law, they presumably were observing the laws of Shemitah which, according to Zuckermann, were then in force.

ושבחוהו חכמים. וכשהגיע ל'לא תוכל לתת עליך איש נכר' זלגו עיניו דמעות. אמרו לו:
אל תתירא, אגריפס, אחינו אתה, אחינו אתה, אחינו אתה!

56 Wieseler, *Stud. und Krit.* (1879), 529 f.

57 On the other hand, J. Derenbourg, *Essai sur l'histoire et la géographie de la Palestine I* (Paris, 1867), 217; A. Büchler, *Die Priester und der Cultus im letzten Jahrzehnt des jerusalemischen Tempels* (Vienna, 1895), 10–12; and Zeitlin, *JQR*, 9 (1918/19), 99, n. 70, among others, maintain that M, Sotah VII, 8, refers to Agrippa II.

58 On Agrippa I, see N. H. Feldman's general index to the Loeb edition of Josephus, IX (1965), 595.

59 *B.J.* II, 199–200. Schürer; *Gesch. d. jud. Volkes*, 14, 36, grants that this passage suggests a different table of Sabbatical years, but rejects the evidence as indirect and as not sufficient to refute the positive evidence from the other datings of Shemitah.

60 Philo, *De leg.* 249.

In fact, however, by our reckoning, Tishri 40/Elul 41 was only the sixth year of the Shemitah cycle. This dating, moreover, adds new dimension to the accounts of Philo and Josephus of the self-sacrificing piety of the petitioners; for though unable to tend the fields the next year on account of Shemitah they nevertheless disdained to work the field in the permitted year, so as to protest Caligula's outrageous orders. It follows that Agrippa I's recitation from the Book of Deuteronomy, if historical, took place on the second day of Sukkot of 42 C.E.

I feel, however, a modicum of uncertainty concerning the historicity of the tale recorded in Mishnah Sotah 7:8. To be sure, there is intrinsically nothing in the anecdote that would contradict Agrippa I's character, as known to us from Josephus' accounts. Shrewd and subtle, pious where piety was called for, the king was quite capable of shedding tears to elicit a reply that would ease the un-Jewish reputation of the Herodian princes.⁶¹ But talmudic literature recounts a handful of anecdotes to illustrate the Jewish king's piety, or even his superpiety in halakhic matters. The Babylonian Talmud, for example, tells that the king's train once encountered a bridal procession. According to halakhah, the bridal procession was supposed to let the king pass by. Agrippa, however, so the tale goes, chivalrously removed himself from the bridal path, saying, according to Semahot 11, "I wear a crown every day, she only once." These anecdotes, like the one we are discussing here, are probably fictional tales that grew around the remarkable personality of Agrippa I.⁶² But if Agrippa I did in fact recite Scripture in connection with the septennial celebrations, the incident of Mishnah Sotah 7:8 occurred during the first year of the Sabbatical cycle, on Sukkot of 42 C.E.

7. A NOTE OF INDEBTEDNESS ON A PAPYRUS OF WADI MURABBA'AT 18

Thus far all the passages cited come from literary texts; this section introduces a document recently found in the Judaean desert in the caves of Wadi Murabba'at near Bethlehem. Zachariah bar Yehohanan signed a deed for Abshalom bar Hanin, promising the repayment of twenty (and ?) denars which he had borrowed during a Sabbatical year. We reproduce here the Aramaic text as published by Milik in the *Discoveries in the Judaean Desert*,⁶³ with corrections and an English translation:

1. [] [שנ] תרתין לנרון קסר []
2. בצויה איתודי אבשלום בר חנין מן צויה
3. בנפי מניה עמי אנה זכריה בר יהוחנן בר ה []

61 Cf. the derisive comments of Tos. Sotah VII, 16; Yer. Sotah VII, 7, 22a.

62 See also M. Bikkurim, III, 4; Tos. Pesahim, IV, 3: B. *ibid.* 107b.

63 P. Benoit, J. T. Milik, and R. de Vaux, *Discoveries in the Judaean Desert*,

4. יתב בכסלון כסף וזוין עס[רי]ן [] מש []
5. אנה [] [] [] לא די זבינת עד זמ[נא]
6. דנה אפרוענך בחמש ואפשר בתמ[ימותא]
7. ושנת שמטה דה והן כן לא אעבד תשלומ[תא]
8. לך מנכסי ודי אקנה לקובליך
9. [זכ]ריה בר יהוח[נן] ע[ל] נפשה
10. [כת]ב יהוסף ב[ר] [] מאמרה
11. יהונתן בר יהוחנא שהד
12. יהוסף ב[ר] י[הודן] עד

Recto

1. [] of yea[r] two of Nero Caesar []
2. in Swya; declared by Abshalom bar Hanin, of Swyah.
3. in his presence, of my own accord,⁶⁴ that I Zachariah bar Yehohan bar H[]
4. dwelling in Keslon, silver denars twen[t]y
5. I [] not sell until the ti[me]
6. of this, I will pay you in five and possibly in its enti[rety];
7. in this year of Release; and if not so, I will make a paym[ent]
8. to you from my properties, even those that I will buy later, will be pledged to you as mortgage.

Verso

9. [Zacha]riah bar Yeho[hanan, i]n person
10. [writt]en (for) Yehosef ba[r], by dictation
11. Yehonatan bar Yehohanna, witness
12. Yehosef ba[r Ye]hudan, witness

This document has many ramifications and is of immense interest, but here we must restrict the discussion to lines one and seven. "In the second year of Nero Caesar" (line 1) equals, according to Milik October 13, 55/October 12, 56 C.E.;⁶⁵ according to Lehmann and Koffmahnn, 54/55.⁶⁶ Milik translates the first three words of line 7: "même si c'est une année sabbatique,"⁶⁷ and notes: "ושנת שמטה דה": la phrase subordi-

II, No. 18, 100–04 (Oxford: Clarendon Press, 1961). Republished with a German translation and commentary by E. Koffmahnn, *Die Doppelturkunden aus der Wüste Juda* (Leiden: Brill, 1968), 80–89.

⁶⁴ Translation doubtful.

⁶⁵ Milik, in *Discoveries*, II, 100 and 103.

⁶⁶ Manfred R. Lehmann, "Studies in the Murabba'at and Nahal Hever Documents," *Revue de Qumrân* IV, 13 (1963), 53–81, esp. 56 f.; Koffmahnn, *Doppelturkunden*, 41 f.

⁶⁷ Milik, in *Discoveries*, II, 102.

née, nominale (שנתה דה pour דה), qui supprime le privilège de l'année sabbatique; c'est la fameuse loi du *prosbol*, attribuée à Hillel (cf. *Sebi'it* X 4 où on cite une formule différente et la formule בלא שמיטתא des contrats traditionnels)."⁶⁸ Koffmahnn, however, translates: "in diesen Erlassjahr."⁶⁹

There is no doubt that, contrary to Lehmann and Koffmahnn, Milik's dating of the second year of Nero in 55/56 C.E. is right, but that Milik's rendition of line seven as a conditional phrase, the legal equivalent of the Hillelite *prozbol*, is wrong.⁷⁰ Lehmann-Koffmahnn's "in this year of Shemitah," however, is a simple and correct rendition.

It seems that Milik chose a complicated rendition of the phrase ושנת שמיטה דה because, according to the standard table of Sabbatical years, the year 54/55, not 55/56, the date of our note, was a Shemitah.⁷¹ But Lehmann, followed by Koffmahnn, regards our document a *get mekushar*, ("folded" note), which according Bab. Tal. Baba Batra 164a-b, was to be antedated by a year.⁷² If antedated by a year, as Lehmann and Koffmahnn maintain, the document was written in 54/55, a Shemitah in Zuckermann's calendar of Sabbatical years.

There is no reason, however, to assume that our document was in fact antedated. The second year of Nero refers, as Milik says, to Tishri 55/Elul 56 C.E., which was contrary to the general opinion, in fact a Sabbatical year, as attested by the phrase "in this year of Shemitah." Indeed, Murabba'at 18 presents convincing evidence that the calendar of Sabbatical years appended to this study is right.

8. WAS THE SECOND TEMPLE DESTROYED DURING A SABBATICAL OR POST-SABBATICAL YEAR?

Thus far all the passages discussed allude to Shemitah incidentally. In this section, however, the Sabbatical year becomes a crucial symbol of the schematic cycle of Jewish history. The *Seder Olam* reads:

היה רבי יוסי אומר: מגלגלין זכות ליום זכות וחובה ליום חייב; נמצאת אומר, כשחרב הבית בראשונה, אותו היום מוצאי שבת היה, ומוצאי שביעית היתה, ומשמרתו של יהויריב היתה, ותשעה באב היתה. וכן שניה. ובזה הלוי' עומדים על דוכנם ואומרים שירה. ומה שירה אומרים? 'וישב להם את אונם' וכו'.

68 Ibid., II, 103.

69 *Doppelturkunden*, 81; Lehmann, *RQ*, IV, 56 "and the Shemittah year."

70 It should be noted that although the Murabba'at documents allude to Shemitah (see below, section 9), there seems to be no indication of the existence of the Hillelite *prozbol*.

71 See below, section 9, note 85.

72 The talmudic tradition, also attested from other ancient sources (Kraeling, *The Brooklyn Museum Aramaic Papyri*, 50), mentions two types of notes:

Rabbi Jose says: 'Favorable judgment forbode favorable days and guilty judgments guilty days. You find it said: When the Temple was destroyed for the first time, that happened on a day after the Sabbath (Sunday), during a post-Sabbatical year, and during the Watch of Jehoiarib, and on the ninth of Ab; and so also when the Second (Temple was destroyed). And at the point of the destruction of both Temples the Levites were standing at their posts reciting the (same) psalm. And what was the psalm? 'He will bring back on them their iniquity and wipe them out for their wickedness; the Lord our God will wipe them out' (Ps. 94:23).⁷³

This passage appears to support Zuckerman unambiguously and to contradict my calendar of Shemitot. For we know that the Second Temple was destroyed in the month of Ab of the year 70, which our passage dates as a post-Sabbatical year. It follows that the preceding year 68/69 was a Shemitah. Counting backwards we get:

TABLE THREE

Section	Shemitah(s)	Julian Date	A.S.
8		68/69 C.E.	379/80
7	2	54/55 "	365/66
6	4	40/41 "	351/52
5	15	38/37 B.C.E.	274/73
4	27	136/35 "	176/75
3	37	164/63 "	148/49
2	57	332/31 "	
1	?	?	

גט פשוט a "simple" note and גט מקושר, a "folded" note, with three witnesses not two as in simple notes. The document was folded and the witnesses' signatures appeared on the back of the note. Bab Tal. Baba Bathra, 164a-b, quotes Rabbi (Judah Hanasi) as challenging the view of Rabbi Hanina ben Gamaliel, that "folded" notes were customarily antedated. But the reference, if not a misinterpretation of Tos. Baba Bathra, X, 1, must allude to exceptional cases. No other talmudic tradition knows of such antedating; certainly not the Tosephta, as claimed by Lehmann (*R.Q.*, IV, 57). In fact, Mur 22 (*Discoveries*, II, 118-22; Koffmann, *Doppelturkunden*, 158, apparently a "folded" note, bears the date of the first year of the Redemption of Israel which, according to Lehmann's view of antedating, should be inconceivable.

73. Seder Olam Rabbah, 30, 74a-75a (ed. Ratner); Tos. Ta'anit, III, 9, p. 340 (Lieberman ed.) Yer. Ta'anit, IV, 5, 68d; B. Ta'anit, 29a; Arakhin, 11b.

Indeed, this famous passage, repeated in the Palestinian and Babylonian Talmuds, seems to have been decisive in persuading scholars to adopt Zuckermann's table of Shemitot despite the problematical aspects which such a calendar involves.⁷⁴ For surely, could it be seriously argued that Rabbi Jose ben Halafta, a tanna who flourished less than a century after the Second Temple's destruction, a chronographer (the treatise *Seder Olam* is attributed to him), who wrote at a time when the institution of Shemitah had been part of a millenium-long tradition, might be mistaken as to the Sabbatical date of the Hurban?⁷⁵

But the statement attributed to Rabbi Jose is problematical, being based, not on factual information, but on midrashic chronography. Rabbi Jose, no doubt, alludes to another of his exegetical datings. Chapter 28 of *Seder Olam* reads: רבי יוסי אומר: 'שבעים שבעים' משחרב בית ראשון ועד שחרב בית אחרון, שבעים לחרבנו, וארבע מאות (ועשרה) [ועשרים] לבנינו. ומה תלמוד לומר 'שבעים שבעים'? אלא שהיתה גזירה גזורה קודם לשבעים שנה.

"Rabbi Jose says: 'Seventy weeks' (Dan. 9:24): From the time of the destruction of the First Temple to the destruction of the Second Temple. The Temple was rebuilt 70 years after its destruction and was destroyed 420 years after its rebuilding ($70 + 420 = 7 \times 70$). Why does Scripture then say 'seventy weeks' (i.e., it would have been more accurate for Daniel 9:24 to say: 10 weeks + 60 weeks)? But because the decree (for the destruction and the rebuilding) had been issued prior to the (beginning of the) seventy years."⁷⁶ Rabbi Jose, it would seem, uses chronology to expound upon a difficult prophecy of Daniel, a book which is full of enigmatic statements.⁷⁷ But this midrashic exegesis forms the foundation of Talmudic chronology likewise attributed to Rabbi Jose, that a) the Solomonic Temple was destroyed 490 years before the Herodian Sanctuary (actually 587 or 586 B.C.E. + 70 C.E. = 657 or 656); b) both were destroyed in a post-Sabbatical year; c) both were burned on the ninth day of Ab (which is contrary to II Kings 2:8 and to Jer. 52:6 as far as the Solomonic Temple was concerned, and may be contrary to Josephus as to the Herodian

74 Almost all scholars who have dealt with the Sabbatical chronology cite our passage (see notes 12-13), beginning with the sixteenth century Azariah de Rosi, *Mezaref Lakesef* (Wilno, 1864), 114.

75 On authorship and date of *Seder Olam*, see Zunz-Albeck, *Die Gottesdienstlichen Vorträge der Juden historisch entwickelt* (Hebrew ed., Jerusalem: Mosad Bialik, 1947), 43; 267 f., and Ratner's *Mavo Lehaseder Olam Rabbah* (Wilno, 1894),

76 *Seder Olam Rabbah* 28, p. 130 (ed. Ratner). Cf. Tos. Zebahim, XIII, 6; Bab. Tal. Yoma 9a; Arakhin, 12a-13a.

77 Jose's exegesis of Dan 9:24 appears to be linked with the rabbinic chronology of the Jubilees during the first Temple. See above, notes 3-5.

Temple), and d) both Temples were destroyed on a Sunday; and e) the Levites happened to chant the same song.⁷⁸

Few students are likely to defend the historicity of any part of Jose's statement, except for b), a passage that seems to have proved decisive in determining the calendar of Shemitah. In fact only a segment of b), as few students would grant, although quite possible, that the year 587 or 586 B.C.E., the date of Nebuchadnezzar's burning of the First Temple was a Shemitah. Only the author of *Seder Olam* who, as was pointed out above, maintained that from the time when the laws of Shemitah and Jubilee became effective in the 15th year of Joshua's conquest, until the *Hurban*, there elapsed 836 years, of which sixteen jubilees of fifty years each make a total of 800 years, with a remainder of thirty-six years, or five Shemitot plus one year of the next Sabbatical cycle. To be sure, the fact that other parts of Rabbi Jose's statement reflect midrashic chronography does not exclude the possibility that his dating of the Shemitah nearest to the destruction of the Herodian Temple in 68/69 is necessarily inaccurate. It may just be the historical grain upon which Rabbi Jose built the rest of his hermeneutics of Daniel 9:24. But, regardless of the other evidence, the statement cannot be made the foundation upon which to construct a reliable calendar of the Sabbatical cycles.

Three more points need to be remembered, however. First, technically Rabbi Jose's synchronism of the destruction of the second Temple with the first year of a Sabbatical cycle is not inaccurate. For although Tishri 69/Elul 70, not 68/69, was a Shemitah, it is nevertheless quite true that more than a half of the year of the *Hurban* fell during a post-Sabbatical period. For the Jewish year, as stated in *Mishnah Rosh Hashanah* 1:1, formally commenced on the first of Nisan and ended on the last day of Adar. When Rabbi Jose says that the year of the *Hurban* was a post-Sabbatical he may be referring to the second part, i.e., between Tishri and Adar.⁷⁹

⁷⁸ On the song of the day, see now 11QPs^a DavComp, in *Discoveries* IV (1965), 48; 92. M. Tamid, VII, 4, knows only of songs varied every day of the week; *Seder Olam* 28 seems to be alluding to unique songs for every day of the year.

⁷⁹ Maimonides, moreover, *Hilkhot Shemitah Veyobel*, X, 4, alluding to our passage, says: נמצאת למד שהשנה שחורב בה הבית באחרונה, שתחלתה מתשרי שאחר החורבן כשני חדשים, שהרי מתשרי הוא המנין לשמיטים וליובלות, אותה השנה מוצאי שביעית היתה.

"You must say that the year when the Second Temple was last destroyed, whose beginning commenced in Tishri, about two months after the destruction (since the computation of Shemitot and Jubilees begins in Tishri), that year was a Shemitah." Maimonides thus expressly says that the *Hurban* actually occurred during a Shemitah, but that the post-Sabbatical commenced, according to him, during Tishri of the New Year.

Second, scholars may be misrepresenting the talmudic tradition when they ascribe to it a solid synchronism of the *Ḥurban* and the first year of the Shemitah cycle. Arakhin 12a–13b, after quoting Rabbi Jose's statement concerning the remarkable coincidences of the two Temples in its entirety, attempts to disprove only the part referring to the Sabbatical synchronism. Quite clearly, the Amoraic sages were quite aware that it did not conform to the facts as they knew them.

Third, a chronological passage, seemingly merely expanding upon Rabbi Jose's dictum, cited in Abodah Zarah 9b, maintains that the *Ḥurban* of the Second Temple actually occurred during a Shemitah:

אמר רב הונא בריה דרב יהושע: האי מאן דלא ידע כמה שני בשבוע הוא עומד: ניטפי חד שתא ונחשוב כללי ביובלי ופרטי בשבועי, ונשקל ממאה תרי ונשרי אפרטי ונחשבינהו לפרטי בשבועי; וידע כמה שני בשבוע. וסימנך: 'כי זה שנתים הרעב בקרב הארץ.

Said Rabbi Huna, the son of Rabbi Joshua: If one does not know the current year of a Sabbatical cycle, let him add one year (to the era of the *Ḥurban*). He may then compute jubilees by dividing the date into large numbers (50 years), and Shemitot into small numbers of 7; for each 100 years, let him deduct 2, adding these 2's, and then divide them by 7. Thus, he will know the year of the Sabbatical cycle. And your mnemonic is: 'For there have been two years of hunger in the land' (Gen. 45:6).⁸⁰

In this passage Rabbi Huna, the son of Rabbi Joshua, a head of the Academy of Naresh, who evidently died in 411, offers a formula to find the year of any Sabbatical cycle if one knows the date of the era of *Ḥurban*. Simply stated, the formula is: (date of *ḥurban* + 1): 7. The remainder of the division yields the year of the Sabbatical cycle; if 0, a Sabbatical year. The deduction of 2 from each 100 results from dividing 100 by 7 ($12 \times 7 + 2 = 100$) which has a remainder of 2; which if added and divided by 7, again yields the year of Shemitah cycle.

As Huna's formula, according to our talmudic tradition, calls for adding one year to the era of the *Ḥurban*, it necessarily assumes a synchronism of the year of the *Ḥurban* (69/70) with Shemitah, rather than a 68/69 Shemitah. There is simply no need to add one year to an era that begins in the first year of the Sabbatical cycle. Since Huna's formula appears to follow Jose's midrashic exegesis, it follows that Huna interpreted Rabbi Jose to mean that as stated by Maimonides the *Ḥurban* took place during, not after, a Sabbatical year. Hence, the formula calls for the addition of one year to the date of *Ḥurban* to make the

⁸⁰ I have reproduced the passage as found in our editions and the Mss. of Abodah Zarah 9b. But a long string of geonic and rabbinic authorities has

division by seven correspond with cycles of Shemitah. Certainly, our reading of Abodah Zarah 9b suggests that 69/70 was a Shemitah.⁸¹

Finally, a passage in Josephus implies that the year 68/69 was not Sabbatical. According to *B.J.* 4:529–37, “Simon the son of Gioras, the leader of the Zealots, invaded Idumaea in the winter of 68/69 and gained abundant booty and laid hands on vast supplies of corn.”⁸² This clearly indicates that it was not a part of a Sabbatical season, for surely the Idumeans by now appear to have been following the traditions of Jewish law.⁸³

9. RENTING LAND FROM BAR KOSBA

Among the remnants of Simon bar Kosba's (or Kochba's, as he is known from Greek sources) archives found recently at Murabba'at (see Section 7 above) are fragments of a dozen rental contracts which subordinates of the Jewish Prince executed at Herodium.⁸⁴ Judging from the remnants, the legal wording of these contracts, aside from the names of the renters, differed slightly, but the state of preservation of Mur 24 A–L (as numbered by Milik) ranges from only traces of scattered letters to nearly approaching the original form. Since each of the twelve contracts, written in Hebrew, apparently contained both the same date of issuance and the clause relating to the Sabbatical year, they

divergent readings, some of them questioned the authenticity of the underlined words וְנִסְפִי חֵד שְׁתָּא “let him add one year.” See, for example, *Teshuvot Hageonim*, ed. A. Harkavy (Berlin, 1887), No. 45, 20–22; Razah, *Hama'or Hagadol*, on Alfasi Avodah Zarah, 96; Rabbenu Hananel ad locum; Tosafot Avodah Zarah, 9b, s.v. *hay*. It would seem that because of calendar changes many medieval savants emended the reading of our passage, to make it conform with their own datings; it appears, however, to be authentic as it is in the printed editions.

81 See below, note 109.

82 *B.J.* IV, 537.

83 Edom, judaized by John Hyrcanus (*A.J.*, XIII, 257) was considered part of the Holy Land, unlike Ammon and Moab, over which the Rabbis differed whether or not their territory fell under the laws of Shemitah (see M. Yadayyim, IV, 3; Tos. *ibid.*, II, 15–17). During the war against the Romans, the Idumaeans were associated with the Zealots, suggesting strict observance. Zeitlin, *JQR* 9 (1918–19), however, argues that the date of the march in winter of 68, commonly accepted, must be erroneous; on p. 101 he maintains that “the laws of the sabbatical year affected only the lands of Palestine, and had no application in Edom or in any other country that was annexed to Palestine,” citing M. Shevi'it, I, 1, as reference. By Maimonides' definition (*Hilkhot Shemitah*, IV, 28), however, Edom would be included. See also Yer. Shevi'it, VI, 36; Tosafot, *Hagigah*, 3b, s.v. *Ammon*.

84 According to Milik, *Discoveries*, II, 125 ff., Herodium served as the Bar Kosba's headquarters. Yadin (*IEJ*, 11 [1961] 51), however, punctuates the documents (see below, line 3) so that Herodium refers to the location of a sub-camp.

are crucial for this study. We reproduce here Mur 24 E, partly but plausibly restored on the basis of the parallel fragments of papyri, as transcribed by Milik in the *Discoveries in the Judaean Desert*, II, p. 131:

- | | |
|--|--|
| 1. [On the twentieth of She]vat of the year tw[o] of the Redemption of | 1. [בעשרין לש] בט שנת שת[ים] לגאלת |
| 2. [I]srael by Shimeon ben K[os]ba, the prince of | 2. [י]שראל על יד שמעון בן כ[וס]בא נסיא |
| 3. [Is]rael. In the camp which is located in Herodium, | 3. [י]ש[ר]אל במחנה שיושב בהרודיס |
| 4. [Ye]hudah ben Raba' said to Hillel ben Grys: | 4. [י]הודה בן רבא אמר להלל בן גריס |
| 5. "I of my free will have [re]nted from you today the | 5. אני מרצוני [ח]כרת המך היום את |
| 6. land which is my re[n]tal in 'Ir | 6. העפר שהוא שלי בח<כ>רתי בעיר |
| 7. Naḥash which I hold as a tenant from Shimeon, the Prince of Israel, | 7. נחש שחכרת משמעון נסיא ישראל |
| 8. This land I have rented from you from today | 8. [א]ת עפר הלז חכרתי המך מן היום |
| 9. until the end of the eve of She-mitah, ⁸⁵ which are years | 9. עד סוף ערב השמטה שהם שנים |
| 10. full, [fi]scal years, five, of tenancy; | 10. שלמות שני [מ]כסה חמש תחכיר |
| 11. [that I wi]ll deliver to you in [Her]odium: wheat, | 11. [שאה]א מודד לך ב[הר]ודיס חנטיין |
| 12. [of good and pure quality,] th[ree kor]s and a <i>lethekh</i> , | 12. [יפות ונקיות] שלו [שת כור]ין ולתך |
| 13. [of which a tenth part of the tithe] of these | 13. [מעשרת מעשרת] ת אלה |
| 14. [you will deliver to the silo of the treasury.] And [I am obli]gated | 14. [שתהא שוקל על גג האוצר] ו[ק]ים |
| 15. [in regard of this matter thus-ly] | 15. [עלי לעמת ככה] |
| 16. [Yehudah ben Raba', in per-son] | 16. [יהודה בן רבא על נפשה] |
| 17. [Shim'on ben Kosba', by dic-tation.] | 17. [שמעון בן כוסבא מן מאמרה] |

85 *Discoveries* II, 122–34. The Shemitah clause, missing in the defective parts of Mur 24 A, is preserved in 24 B, line 14; C, 12; D, 14–15; E, 9; but lost in the fragments of 24 F–L.

As pointed out by Milik: "Mur 24 fournit un synchronisme précieux entre le comput fondé sur les cycles sabbatiques et celui de l'ère de la Liberté."⁸⁶ The date of the contracts (as clearly attested in *Mur* 24 B, line 1; D 1) is certain: the 20th of Shevat of year 2 of the Redemption of Israel. Lines 8–10 of *Mur* 24 E offer the Sabbatical relationship: "From today," i.e., the 20th of Shebat of year 2, "until the end of the eve of Shemitah, which are five full years, fiscal years, of tenancy."⁸⁷ Citing Schürer (*Gesch. d. jüd. Volkes*, I⁴, 36) and North (*Biblica*, 34 (1953), 501–15), Milik attributes to Josephus and the Rabbis the dating of 68/69 C.E. as a Shemitah.⁸⁸ It follows, Milik says, that the Shemitah year nearest to Bar Kosba's revolt was 130/31, since Roman sources unambiguously date the rebellion's conclusion in 135.⁸⁹ This could only mean, according to Milik, that the date of the rental contracts was the second year of the Sabbatical cycle, ending in 137/38, and equalled 132/33 (137/38 — 5 = 132/33). Now since the second year of the Shemitah cycle was also the second year the Redemption of Israel (lines 1–2), it necessarily follows, according to Milik, that the revolt commenced in 131/32, contrary to the accepted view which dates the beginning of the Bar Kosba rebellion in the spring of 132.⁹⁰

Milik's chronology is mistaken on several levels. First, Josephus nowhere mentions that 68/69 was a Shemitah year; Schürer (I⁴, 35) and others deduce it from the dating of Herod's conquest; mistakenly, I believe (see above, section 5). Second, assuming the year 68/69 as a Shemitah, the Sabbatical year nearest Bar Kosba's rebellion was not 130/31, as maintained by Milik, but 131/32 ($68/69 + (9 \times 7) = 131/32$).⁹¹ Third, the beginning of the year of Redemption of the Bar Kosba era commenced not on the first of Tishri of 131, as stated by Milik,

⁸⁶ *Discoveries*, II, 125.

⁸⁷ Milik, *ibid.* (II, 131) translates: "dès aujourd'hui jusqu'à la fin de la veille du cycle suivant correspond à 132/3. Mur 24 a donc été écrit au début de février 133, qui tombait 'l'an deux de la Libération d'Israël.' Le début de l'ère de la Liberté se place au premier Tišri 131" (*ibid.* II, 125). On p. 67, however, Milik adds: that the New Year of Tishri was valid only for the dating of contracts: for coins, though, the first of Nisan was more likely to have been the New Year. Cf. Kanael, *IEJ*, 21, (1971), 41 n. 16.

⁸⁸ See above, section 8, esp. note 74, for rabbinic citations: since Josephus nowhere says that 68/69 was a Sabbatical year, Milik probably alludes to the passages cited above in section 5.

⁸⁹ "L'année sabbatique la plus proche de la fin de la Révolte, 135 ap. J.-C. (date assurée par les sources romaines), est donc 130/1 et la deuxième année du cycle suivant correspond à 132/3. Mur 24 a donc été écrit au début de février 133, qui tombait 'l'an deux de la Libération d'Israël.' Le début de l'ère de la Liberté se place au premier Tišri 131" (*ibid.* II, 125). On p. 67, however, Milik adds: that the New Year of Tishri was valid only for the dating of contracts: for coins, though, the first of Nisan was more likely to have been the New Year. Cf. Kanael, *IEJ*, 21, (1971), 41 n. 16.

⁹⁰ Milik, in *ibid.* II, 125; cf. Sh. Yeivin, *Milḥemet Bar Kokhba* (Jerusalem, 1952), 197–99.

⁹¹ This has been also noted by Lehmann, *RQ*, IV (1963), 56.

but on the first of Nissan of 132.⁹² Fourth, the last Shemitah prior to Mur 24 A-L took place not in 131/32, as Zuckermann says, but in 132/33. Therefore the next Shemitah that is mentioned in line 9 of Mur 24 E refers to Tishri 139/Elul 140.

The contracts of Mur 24 provided, however, that the lease would expire on the last day of Elul of 139: "until the end of the pre-Sabbatical year." The rebellion commenced, according to conventional dating, and now attested by numismatic evidence, in the spring of 132.⁹³ The first year of the Redemption of Israel equals Nissan 1 of 132/Adar 29 of 133. It follows that the 20th of Shevat of year 2 of the Redemption of Israel corresponds roughly to February of 134; the time of the contract ("five full years") in fact meant five years, six months and ten days; until the last day of Elul (roughly September) of 139. Milik's statement (citing Mur 24 E, 9-10) that the contract provided for "une durée de cinq ans, précise"⁹⁴ is not quite exact.

Although his chronology is erroneous, Milik rightly felt that Mur 24's synchronism of the Sabbatical year with the year of Redemption of Israel would yield a more precise chronology of the Bar Kosba's rebellion. The rebellion lasted, according to the chronography of Seder Olam, "three and a half years" (the reading "two and a half" is erroneous).⁹⁵ Since the uprising started in the spring or possibly in the summer of 132, it lasted as attested by Eusebius to the fall or early winter of 135. In terms of Jewish dating, the rebellion commenced in the spring of a pre-Sabbatical year and lasted to the beginning of the fourth year of the next Shemitah cycle, the fourth year of the Redemption of Israel by the Prince of Israel, Shim'on bar Kosba.⁹⁶

92 See Kanael (note 89). The earliest dated document of the Bar Kosba period appears to be the one found in Naḥal Ḥever 42, published by Yadin, *IEJ* 12 (1962), 248: "On the first of Iyar of year two of the Redemption of Israel..."; Mur 22 (*Discoveries*, II, 118 ff.), dated in 14th of Marḥeshwan of the first year, was written 6½ months later. If this is correct, the revolt started in the spring of 132. Kanael's explanation (*IEJ* 21, [1971], 41, note 15), that the scribe erred is not convincing.

93 See preceding note.

94 Milik, in *Discoveries*, II, 123.

95 See Seder Olam, 30, p. 146 (Ratner), note 82, who cites the Ms reading; Neubauer, *Medieval Jewish Chronicles* (Oxford, 1887), I, 198; II, (1895), 66, note 23.

96 Mur 30 (*Discoveries*, II, 30, pp. 144-46; Koffmahnn, *Doppelturkunden*, 182-85), dates the 21st of Tishri of the 4th year of the Redemption of Israel, in Jerusalem, which suggests that, contrary to general assumptions, the Holy City was still in Bar Kosba's hands in October of 135 (cf. Milik, *Discoveries*, II, 205). But the proof is not conclusive, for Mur 30 may have been composed in a provincial town, whose scribe continued to date according the era of "the Redemption of Israel in Jerusalem" even after the fall of the Holy City.

10. THREE FOURTH AND FIFTH CENTURY TOMBSTONE

INSCRIPTIONS IN SODOM

All three tombstone inscriptions to be discussed in this section have a number of common features, the most important of which for us is the fact that they contain the contemporary date of the Sabbatical cycle. The first inscription was discovered by John Philby in 1924 and published by A. Cowley in 1925; in 1943 E. Sukenik found two more inscriptions which he printed in 1945, together with a reprint of Cowley's find and chronological commentaries by A.H. Frenkel, U. Cassuto, and A. Akavia.⁹⁷ All three tombstones were found in or near Zoar, the biblical Sodom, where a Jewish community flourished apparently since Herodian times, if not earlier. The three tombstones contain a synchronism of the Shemitah cycle with the year of the Hurbān era. We reproduce a Hebrew transcription of Cowley and Sukenik, plus an English translation:

Inscription A (Cowley)

1. May the soul rest,	1 תתניח ⁹⁸ נפשה
2. of Sha'ul bar[]lat	2 דשאול בר [] לת
3. who died on the first of the month of	3 דמית בריש ירח
4. Marḥeshwan, of the year	4 מרחשון משתה
5. first of Shemitah;	5 קדמיתה דשמטתה
6. the year of three hundred and sixty	6 שנת תלת מא ושתינ
7. and four years after the Hurbān	7 ורבע שנין להרבנ
8. of the House of the Temple. Peace!	8 בית מקדשה שלם

⁹⁷ A. Cowley, in *Palestine Exploration Fund* (1925) 207–10; S. Daiches, *ibid.*, (1926), 31 f.; L. H. Vincent, *Revue biblique*, 36 (1927), 404–07; Th. Reinach, *REJ*, 85 (1928), 1–6; A. Marmorstein, in *Yerushalayim* (Lunch Memorial Volume, in Hebrew [1928]), 41 ff.; *Sefer Hayishuv* I (ed. S. Klein; Jerusalem, 1939), 126; J. B. Frey, *Corpus Inscriptionum Judaicarum* (Vatican City: Pontificio Instituto di Archeologia Cristiana, 1952), 243; E. I. Sukenik, *Kedem*, II (1945), 83–88; A. Frenkel, *ibid.*, 89; M.D. (U.) Cassuto, *ibid.*, 90 f.; A. Akavia, *ibid.*, 92–98. See also Cassuto, *ibid.*, 99–120, who republished the Hebrew 9th century inscriptions of Venosa, dated by the era of the Hurbān, first edited by G. I. Ascoli, *Inscrizioni inedite or mal note greche, latine, ebraiche di antichi sepolcri guidaici del Napolitano* (Torino and Rome, 1880), 66–79; Frey, *CII*, I, Nos. 469–619. See also S. Baron, *Social and Religious History of the Jews* (Philadelphia: Jewish Publication Society, 1952), 116; 376 n. 33; M. Kasher *Torah Shelema* (New York: American Biblical Encyclopedia Society, 1949), XIII, 176–79.

⁹⁸ I follow the reading of Cowley and Sukenik (see previous note), rather than that of Daiches, et al. For the meaning of *nefesh*, see Sukenik (previous note), 84 f., who, however, in line 1 of Inscription B, renders *nefesh* as *ziyyun* (monument), but “soul” seems perhaps preferable.

Inscription B (Sukenik)

1. Here (rests) the soul	הדה נפשה	1
2. of Esther the daughter	דאסתר ברתה	2
3. of Edyo, who died	דעדיו דמיתת	3
4. in the month of Shevat	בירח שבט	4
5. of the year "3 of Shemitah"	שנת ג דשמטת[ה]	5
6. the year of three hundred [and 3]	שנת תלת מא [ותלת] ⁹⁹	6
7. of the years of the Ḥurban	מן שנין לחרבן	7
8. of the House of the Temple	בית מקדשה	8
9. Peace! Peace!	שלום שלום	9
10. A burnt-offering! (?)	עלת ¹⁰⁰	10

Inscription C (Sukenik)

1. May the soul rest of Ḥalifo	תתניח נפשה דחלפו	1
2. the daughter [of . . .] who died	ברתה / / / דמיתת	2
3. on Tuesday, the eleventh	ביום תלתה בחדעשר	3
4. day of the month of Elul, "the year [2]	יוםין בירח אלול	4
	בשת [ב] ¹⁰¹	
5. of Shemitah," which is the year	דשמטתה דהיא שנת	5
6. four hundred and thirty	ארבע מאה ותלתין	6
7. and five years after the Ḥurban	וחמש שנין לחרבן	7
8. of the House of the Temple, Peace	בית מקדשה שלום	8
9. to Israel. Peace!	על ישראל שלום.	9

The readings of the three inscriptions, if not emended, present inconsistent synchronisms of the Ḥurban era and Shemitah:

A	Marḥeshwan	364 of Ḥurban	1 of Shemitah cycle
B	Shevat	300 of Ḥurban	3 of Shemitah cycle
C	Elul	435 of Ḥurban	7 of Shemitah cycle

For if the year 300 of the Ḥurban, as B apparently reads, was the year 3 of the Shemitah, then 364 should have been year 4 ($7 \times 9 + 1 = 64$), and 435 the year 5 of the Sabbatical cycle. If, however, with Inscript-

⁹⁹ See below, p. 182.

¹⁰⁰ Sukenik (note 97), 86, leaves the meaning of עלת open. See Targum (Onk, and Ps.-Jon.) on Num. 29:23, though the form usually appears only in the construct עלתא possibly suggests that she died on the Rosh Ḥodesh, when a special burnt offering was sacrificed (Numb. 28-23), the day of the month having been inadvertently omitted (for other omissions see below). Possibly, however, the death of Esther the daughter of Edio resulted from some kind of execution by enemies of the Jews.

¹⁰¹ See below, p. 182.

tion A we assume that 364 was year 1 of Shemitah, then 300 should have been the year 7 and 435 the year 2 of the septennial cycle. Should we take C as the basis, i.e., that 435 was a Sabbatical year, then 300 should have been the year 5, and 364 the year 6 of the Shemitah cycle. To synchronize the dates of the tombstones, Umberto Cassuto proposed to emend line 7 of inscription A: רבע (four) to חמש (five); line 7 of B instead of מן (since) to ו[ו] (and] 46), and to assume that the beginning of the year of the Hurban era of C began not in Tishri, but on the ninth of Ab.¹⁰² Akavia thought that קדמיתה "of the first year of Shemitah," may perhaps be more properly rendered here as the year preceding (i.e., the year 6) of the Shemitah; in B instead of "the year 3," read "5," but in a note to his own article he conceded that no plausible solution for the reconciliation of the Sabbatical chronology of the three inscriptions is possible.¹⁰³ None of the tombstones' dates of Shemitah, if not radically emended, corresponds to Zuckermann's table of Sabbatical years, which Cassuto and Akavia take for granted.

But the calendar appended to this study requires the Julian year of 434/35, which equals 364 of Hurban to be the first year of a Sabbatical cycle, in consonance with Inscription A. The synchronisms of B and C remain problematical, however. The solution would seem to lie, as assumed in the transcription above, in the negligence of the engravers of tombstones B and C. On line 6 of B, if not destroyed by age, the engraver forgot to inscribe the last word וג' ותלת "and 3" (three); at the end of line 5 of C, the missing word is ב' "of 2."¹⁰⁴ Although with these proposed readings we have a consistent chronology of Shemitah for all three tombstones, we exclude Inscriptions B and C from our discussion since their dates are only conjectural.

If the preceding is correct, Inscription A yields the date of the Hurban according to the Jewish era (known as ליצירה or לעריאת העולם) a problem that aroused much controversy among Rashi, Rashbam, Jacob Tam, and Maimonides, and in modern times, between Shir (Shelomoh Yehudah Leib Rapoport) and Ch. J. Bornstein.¹⁰⁵ One reason for the doubt stems from the fact that the era of Yezirah or Beri'at Ha'olam came into vogue some centuries after the Hurban, having been superimposed

¹⁰² Cassuto, *Kedem*, II, (1945), 90 f.

¹⁰³ Akavia, *Kedem*, II, (1945), 92-98, esp. 94, note 3.

¹⁰⁴ For another such negligence by the engraver of B, see his omission of the day of Shevat. It should also be noted that the construction of בשנת דשמטתה, in lines 4-5 of C, implies a missing date of the Sabbatical cycle. If the intended meaning were "in the year of Shemitah," it would have said either בשמטתה or בשנת שמטתה without the ד.

¹⁰⁵ See above notes 74; 79-80. See also Bornstein, *Hatekufah*, 8 (1921), 321-31.

upon the Seleucid era, in which the Babylonian minhag and that of Eretz Israel diverged.¹⁰⁶ Another reason was that in our rabbinic permanent calendar the year follows the Babylonian custom of beginning the year in Tishri in contrast to the Palestinian tradition which commenced the year in Nisan.¹⁰⁷

Now let us see which of the Jewish dates of the era of the Ḥurban proposed by the rabbinic savants—3828, 3829, or 3830—conforms to our inscription:¹⁰⁸

- | | |
|------------------------|-------------------------|
| 1) $3828 + 364 = 4192$ | 2) $4192 : 7 = 598 + 6$ |
| $3829 + 364 = 4193$ | $4193 : 7 = 599 + 0$ |
| $3830 + 364 = 4194$ | $4194 : 7 = 599 + 1$ |

Since Inscription A synchronizes 364 of the era of the Ḥurban with the first year of the Shemitah cycle and since 364 is divisible by 7, it follows that the first year of the Ḥurban era (not the date of the destruction) was also the first year of a Shemitah cycle. It further follows that 3830 equals the first year of the Ḥurban, which is to say that 3829, the date of the Second Temple's actual destruction, and 4193 of Yezirah or 363 of Ḥurban were Sabbatical years. Hence, the formula for finding the year of the Shemitah cycle for any given date is either the era of Yezirah or Ḥurban or $(\text{date} + 1) : 7$.¹⁰⁹ It follows that the inscription's 364 of Ḥurban era equaled our 4194 of Yezirah.

The reader should remember, however, that for reasons alluded to above, the era of Yezirah discussed here is not identical with the one

106 The oldest reference to this divergence is that of Saadia Gaon, as cited by Abraham bar Hiyya, *Sefer Ha'ibur* (London, 1851), 96 f.: 1238 A.S. (936/7 C.E.) corresponded to the Jewish year of 4686; not 4687, which Saadia says is erroneous. In some computations, however, there is a divergence of two years. See also Bornstein, *Hatekufah*, 9 (1921), 224–30.

107 As explained by Razah (note 80), the difference has its origin in the dispute whether the first lunation (*molad*) of Tishri begins as in the Western Jewish Calendar with כהר"ד (Monday, 5th hour, 204/1080), or, as in the East, one year later, with ו"ד (Friday, 14th hour). See now A. Akavia, *The Calendar and its Use for Chronological Purposes* (Jerusalem: the Magnes Press, 1953), 64–66; Frank, *Talmudic and Rabbinical Chronology*, passim, esp. 13 ff. The divergence between the two eras of Yezirah, however, is probably older than the setting of the first *molad*.

108 The reader should keep in mind that the date of the actual destruction of the Temple and the era of the Ḥurban are not necessarily identical. There is no doubt that the Second Temple was burned sometime in Ab (August–September) of the year 70. The first year of the Ḥurban either begins with Nisan 70/Adar 71 or with Tishri 70/Elul 71. The controversy hinges, however, on whether the first year of Ḥurban equaled the 3828, 3829, or 3830 of Yezirah. In other words, those who say that 3828 would also say that the current year of 5733 is in fact 5731. See above, note 106.

109 As Reinach noted (*REJ* 85 [1928], 4 f.), the dating of Inscription A conforms to that of Huna in Avodah Zarah, 9a (section 8).

currently in practice. The current Jewish dating has one year more than the old era of Yeḡirah. The Julian date for the latter is October 3760 B.C.E.; for the former October 3761 B.C.E.¹¹⁰ Table Four lists the Julian, Seleucid, Ḥurban, and Jewish (old and new styles) years of the ten historical Shemitot discussed in this paper.

TABLE FOUR

Source	Section	Julian Year	Anno Sel.	Yeḡirah		
				Old	New	Ḥurban
Neh. 10:32(31)	1	?		?	?	
A.J. 11:347	2	331/30 B.C.E.		3430	3431	
I Macc. 6:49,53	3	163/62 B.C.E.	149/50	3598	3599	
A.J. 13:234	4	135/34 B.C.E.	177/78	3626	3627	
A.J. 14:475	5	37/36 B.C.E.	275/76	3724	3725	
M. Sotah 7:8	6	41/42 C.E.	352/53	3801	3802	
Mur 18	7	55/56 C.E.	366/67	3815	3816	
Seder Olam 30	8	69/70 C.E.	380/81	3829	3830	
Mur 24	9	132/33 C.E.	443/44	3892	3893	62
Kedem II, 84	10	433/34 C.E.	744/45	4193	4194	363
		440/41 C.E.	751/52	4200	4201	370

¹¹⁰ The third formula, which diverges from the current era of Yeḡirah by two years, is ignored here (see notes 102, 106).

APPENDIX
A CALENDAR OF SABBATICAL CYCLES
FROM 519/18 BEFORE THE CHRISTIAN ERA TO 440/41 OF
THE CHRISTIAN ERA

Ruler	B.C.E.	Ruler	B.C.E.	Ruler	B.C.E.	Ruler	B.C.E.
Darius I	1. 519/18		1. 477/76		1. 435/34		1. 393/92
	2. 518/17		2. 476/75		2. 434/33		2. 392/91
	3. 517/16		3. 475/74		3. 433/32		3. 391/90
	4. 516/15		4. 474/73		4. 432/31		4. 390/89
	5. 515/14		5. 473/72		5. 431/30		5. 389/88
	6. 514/13		6. 472/71		6. 430/29		6. 388/87
	S. 513/12		S. 471/70		S. 429/28		S. 387/86
	1. 512/11		1. 470/69		1. 428/27		1. 386/85
	2. 511/10		2. 469/68		2. 427/26		2. 385/84
	3. 510/09		3. 468/67		3. 426/25		3. 384/83
	4. 509/08		4. 467/66		4. 425/24		4. 383/82
	5. 508/07		5. 466/65		5. 424/23		5. 382/81
	6. 507/06		6. 465/64	Darius II	6. 423/22		6. 381/80
	S. 506/05	Artaxerxes I	S. 464/63		S. 422/21		S. 380/79
	1. 505/04		1. 463/62		1. 421/20		1. 379/78
	2. 504/03		2. 462/61		2. 420/19		2. 378/77
	3. 503/02		3. 461/60		3. 419/18		3. 377/76
	4. 502/01		4. 460/59		4. 418/17		4. 376/75
	5. 501/00		5. 459/58		5. 417/16		5. 375/74
	6. 500/499		6. 458/57		6. 416/15		6. 374/73
	S. 499/98		S. 457/56		S. 415/14		S. 373/72
Xerxes	1. 498/97		1. 456/55		1. 414/13		1. 372/71
	2. 497/96		2. 455/54		2. 413/12		2. 371/70
	3. 496/95		3. 454/53		3. 412/11		3. 370/69
	4. 495/94		4. 453/52		4. 411/10		4. 369/68
	5. 494/93		5. 452/51		5. 410/09		5. 368/67
	6. 493/92		6. 451/50		6. 409/08		6. 367/66
	S. 492/91		S. 450/49		S. 408/07		S. 366/65
	1. 491/90		1. 449/48		1. 407/06		1. 365/64
	2. 490/89		2. 448/47		2. 406/05		2. 364/63
	3. 489/88		3. 447/46	Artaxerxes II	3. 405/04		3. 363/62
	4. 488/87		4. 446/45		4. 404/03		4. 362/61
	5. 487/86		5. 445/44		5. 403/02		5. 361/60
	6. 486/85		6. 444/43		6. 402/01		6. 360/59
	S. 485/84		S. 443/42		S. 401/00	Artaxerxes III	S. 359/58
	1. 484/83		1. 442/41		1. 400/399		1. 358/57
	2. 483/82		2. 441/40		2. 399/98		2. 357/56
	3. 482/81		3. 440/39		3. 398/97		3. 356/55
	4. 481/80		4. 439/38		4. 397/96		4. 355/54
	5. 480/79		5. 438/37		5. 396/95		5. 354/53
	6. 479/78		6. 437/36		6. 395/94		6. 353/52
	S. 478/77		S. 436/35		S. 394/93		S. 352/51

Ruler	B.C.E.	Ruler	S.E.	B.C.E.	Ruler	S.E.	B.C.E.
	1. 351/50		3	1. 309/08		38	1. 274/73
	2. 350/49		4	2. 308/07		39	2. 273/72
	3. 349/48		5	3. 307/06		40	3. 272/71
	4. 348/47		6	4. 306/05		41	4. 271/70
	5. 347/46Ptolemy I		7	5. 305/04		42	5. 270/69
	6. 346/45		8	6. 304/03		43	6. 269/68
	S. 345/44		9	S. 303/02		44	S. 268/67
	1. 344/43		10	1. 302/01		45	1. 267/66
	2. 343/42		11	2. 301/00		46	2. 266/65
	3. 342/41		12	3. 300/299		47	3. 265/64
	4. 341/40		13	4. 299/98		48	4. 264/63
	5. 340/39		14	5. 298/97		49	5. 263/62
	6. 339/38		15	6. 297/96		50	6. 262/61
Arses	S. 338/37		16	S. 296/95	Antiochus II	51	S. 261/60
	1. 337/36		17	1. 295/94		52	1. 260/59
Darius III	2. 336/35		18	2. 294/93		53	2. 259/58
	3. 335/34		19	3. 293/92		54	3. 258/57
	4. 334/33		20	4. 292/91		55	4. 257/56
Alexander III	5. 333/32		21	5. 291/90		56	5. 256/55
	6. 332/31		22	6. 290/89		57	6. 255/54
	S. 331/30		23	S. 289/88		58	S. 254/53
	1. 330/29		24	1. 288/87		59	1. 253/52
	2. 329/28		25	2. 287/86		60	2. 252/51
	3. 328/27		26	3. 286/85		61	3. 251/50
	4. 327/26		27	4. 285/84		62	4. 250/49
	5. 326/25		28	5. 284/83		63	5. 249/48
	6. 325/24		29	6. 283/82		64	6. 248/47
	S. 324/23Ptolemy II		30	S. 282/81		65	S. 247/46
Philip	1. 323/22Antiochus I	31	1. 281/80		Ptolemy III	66	1. 246/45
	2. 322/21	32	2. 280/79			67	2. 245/44
	3. 321/20	33	3. 279/78			68	3. 244/43
	4. 320/19	34	4. 278/77			69	4. 243/42
	5. 319/18	35	5. 277/76			70	5. 242/41
	6. 318/17	36	6. 276/75			71	6. 241/40
	S. 317/16	37	S. 275/74			72	S. 240/39
Alexander IV	1. 316/15						
	2. 315/14						
	3. 314/13						
	4. 314/12						
	5. 312/11						
	S.E.						
Seleucus I	1 6. 311/10						
	2 S. 310/09						

Ruler	S.E.	B.C.E.	Ruler	S.E.	B.C.E.
	73	1. 239/38		115	1. 197/96
	74	2. 238/37		116	2. 196/95
	75	3. 237/36		117	3. 195/94
	76	4. 236/35		118	4. 194/93
	77	5. 235/34		119	5. 193/92
	78	6. 234/33		120	6. 192/91
	79	S. 233/32		121	S. 191/90
	80	1. 232/31		122	1. 190/89
	81	2. 231/30		123	2. 189/88
	82	3. 230/29		124	3. 188/87
	83	4. 229/28	Seleucus IV	125	4. 187/86
	84	5. 228/27		126	5. 186/85
	85	6. 227/26		127	6. 185/84
	86	S. 226/25		128	S. 184/83
Seleucus III	87	1. 225/24		129	1. 183/82
	88	2. 224/23		130	2. 182/81
Antiochus III	89	3. 223/22		131	3. 181/80
	90	4. 222/21		132	4. 180/79
	91	5. 221/20		133	5. 179/78
	92	6. 220/19		134	6. 178/77
	93	S. 219/18		135	S. 177/76
	94	1. 218/17		136	1. 176/75
	95	2. 217/16	Antiochus IV	137	2. 175/74
	96	3. 216/15		138	3. 174/73
	97	4. 215/14		139	4. 173/72
	98	5. 214/13		140	5. 172/71
	99	6. 213/12		141	6. 171/70
	100	S. 212/11		142	S. 170/69
	101	1. 211/10		143	1. 169/68
	102	2. 210/09		144	2. 168/67
	103	3. 209/08		145	3. 167/66
	104	4. 208/07		146	4. 166/65
	105	5. 207/06		147	5. 165/64
	106	6. 206/05	Antiochus V	148	6. 164/63
Ptolemy IV	107	S. 205/04		149	S. 163/62
	108	1. 204/03		150	1. 162/61
	109	2. 203/02	Demetrius I	151	2. 161/60
	110	3. 202/01		152	3. 160/59
	111	4. 201/00		153	4. 159/58
	112	5. 200/99		154	5. 158/57
	113	6. 199/98		155	6. 157/56
	114	S. 198/97		156	S. 156/55

Ruler	S.E.	B.C.E.	Ruler	S.E.	B.C.E.
	157	1. 155/54		185	1. 127/26
	158	2. 154/53		186	2. 126/25
	159	3. 153/52		187	3. 125/24
	160	4. 152/51		188	4. 124/23
	161	5. 151/50		189	5. 123/22
Alexander I	162	6. 150/49		190	6. 122/21
	163	S. 149/48		191	S. 121/20
	164	1. 148/47		192	1. 120/19
	165	2. 147/46		193	2. 119/18
	166	3. 146/45		194	3. 118/17
Demetrius II	167	4. 145/44		195	4. 117/16
	168	5. 144/43		196	5. 116/15
Antiochus VI	169	6. 143/42		197	6. 115/14
Simon	170	S. 142/41		198	S. 114/13
	171	1. 141/40		199	1. 113/12
	172	2. 140/39		200	2. 112/11
Antiochus VII	173	3. 139/38		201	3. 111/10
	174	4. 138/37		202	4. 110/09
	175	5. 137/36		203	5. 109/08
	176	6. 136/35		204	6. 108/07
John Hyrcanus	177	S. 135/34		205	S. 107/06
	178	1. 134/33		206	1. 106/05
	179	2. 133/32		207	2. 105/04
	180	3. 132/31	Aristobulus I	208	3. 104/03
	181	4. 131/30	Alexander Janneus	209	4. 103/02
	182	5. 130/29		210	5. 102/01
	183	6. 129/28		211	6. 101/00
	184	S. 128/27		212	S. 100/99

Ruler	S.E.	B.C.E.	Ruler	S.E.	B.C.E.
	213	1. 99/98	Pompey	248	1. 64/63
	214	2. 98/97	(Hyrcaus II)	249	2. 63/62
	215	3. 97/96		250	3. 62/61
	216	4. 96/95		251	4. 61/60
	217	5. 95/94		252	5. 60/59
	218	6. 94/93		253	6. 59/58
	219	S. 93/92		254	S. 58/57
	220	1. 92/91		255	1. 57/56
	221	2. 91/90		256	2. 56/55
	222	3. 90/89		257	3. 55/54
	223	4. 89/88		258	4. 54/53
	224	5. 88/87		259	5. 53/52
	225	6. 87/86		260	6. 52/51
	226	S. 86/85		261	S. 51/50
	227	1. 85/84		262	1. 50/49
	228	2. 84/83	Julius Caesar	263	2. 49/48
	229	3. 83/82		264	3. 48/47
	230	4. 82/81		265	4. 47/46
	231	5. 81/80		266	5. 46/45
	232	6. 80/79		267	6. 45/44
	233	S. 79/78	Triumvirate	268	S. 44/43
	234	1. 78/77		269	1. 43/42
	235	2. 77/76		270	2. 42/41
Alexandra	236	3. 76/75		271	3. 41/40
	237	4. 75/74		272	4. 40/39
	238	5. 74/73		273	5. 39/38
	239	6. 73/72		274	6. 38/37
	240	S. 72/71	(Herod)	275	S. 37/36
	241	1. 71/70		276	1. 36/35
	242	2. 70/69		277	2. 35/34
	243	3. 69/68		278	3. 34/33
Aristobulus II	244	4. 68/67		279	4. 33/32
	245	5. 67/66		280	5. 32/31
	246	6. 66/65	Augustus	281	6. 31/30
	247	S. 65/64		282	S. 30/29

Ruler	S.E.	B.C.E.	Ruler	S.E.	C.E.
	283	1. 29/28		318	1. 7/8
	284	2. 28/27		319	2. 8/9
	285	3. 27/26		320	3. 9/10
	286	4. 26/25		321	4. 10/11
	287	5. 25/24		322	5. 11/12
	288	6. 24/23		323	6. 12/13
	289	S. 23/22	Tiberius	324	S. 13/14
	290	1. 22/21		425	1. 14/15
	291	2. 21/20		326	2. 15/16
	292	3. 20/19		327	3. 16/17
	293	4. 19/18		328	4. 17/18
	294	5. 18/17		329	5. 18/19
	295	6. 17/16		330	6. 19/20
	296	S. 16/15		331	S. 20/21
	297	1. 15/14		332	1. 21/22
	298	2. 14/13		333	2. 22/23
	299	3. 13/12		334	3. 23/24
	300	4. 12/11		335	4. 24/25
	301	5. 11/10		336	5. 25/26
	302	6. 10/9		337	6. 26/27
	303	S. 9/8		338	S. 27/28
	304	1. 8/7		339	1. 28/29
	305	2. 7/6		340	2. 29/30
	306	3. 6/5		341	3. 30/31
	307	4. 5/4		342	4. 31/32
(Archelaus)	308	5. 4/3		343	5. 32/33
	309	6. 3/2		344	6. 33/34
	310	S. 2/1		345	S. 34/35
	311	1. 1 B.C.E./1 C.E.		346	1. 35/36
	312	2. 1/2	Caligula	347	2. 36/37
	313	3. 2/3		348	3. 37/38
	314	4. 3/4		349	4. 38/39
	315	5. 4/5		350	5. 39/40
	316	6. 5/6	Claudius	351	6. 40/41
(Procurators)	317	S. 6/7	(Agrippa II)	352	S. 41/42

Ruler	S.E.	C.E.	Ruler	S.E.	S.E.
	353	1. 42/43		388	1. 77/78
	354	2. 43/44	Titus	389	2. 78/79
	355	3. 44/45		390	3. 79/80
	356	4. 45/46		391	4. 80/81
	357	5. 46/47	Domitian	392	5. 81/82
	358	6. 47/48		393	6. 82/83
	359	S. 48/49		394	S. 83/84
	360	1. 49/50		395	1. 84/85
	361	2. 50/51		396	2. 85/86
	362	3. 51/52		397	3. 86/87
	363	4. 52/53		398	4. 87/88
Nero	364	5. 53/54		399	5. 88/89
	365	6. 54/55		400	6. 89/90
	366	S. 55/56		401	S. 90/91
	367	1. 56/57		402	1. 91/92
	368	2. 57/58		403	2. 92/93
	369	3. 58/59		404	3. 93/94
	370	4. 59/60		405	4. 94/95
	371	5. 60/61	Nerva	406	5. 95/96
	372	6. 61/62		407	6. 96/97
	373	S. 62/63	Trajan	408	S. 97/98
	374	1. 63/64		409	1. 98/99
	375	2. 64/65		410	2. 99/100
	376	3. 65/66		411	3. 100/01
	377	4. 66/67		412	4. 101/02
Galba	378	5. 67/68		413	5. 102/03
Otho	379	6. 68/69		414	6. 103/04
Vespasian	380	S. 69/70		415	S. 104/05
	381	1. 70/71		416	1. 105/06
	382	2. 71/72		417	2. 106/07
	383	3. 72/73		418	3. 107/08
	384	4. 73/74		419	4. 108/09
	385	5. 74/75		420	5. 109/110
	386	6. 75/76		421	6. 110/111
	387	S. 76/77		422	S. 111/112

Ruler	S.E.	C.E.	Ruler	S.E.	C.E.
Hadrian	423	1. 112/13		458	1. 147/48
	424	2. 113/14		459	2. 148/49
	425	3. 114/15		460	3. 149/50
	426	4. 115/16		461	4. 150/51
	427	5. 116/17		462	5. 151/52
	428	6. 117/18		463	6. 152/53
	429	S. 118/19		464	S. 153/54
	430	1. 119/20		465	1. 154/55
	431	2. 120/21		466	2. 155/56
	432	3. 121/22		467	3. 156/57
	433	4. 122/23		468	4. 157/58
	434	5. 123/24		469	5. 158/59
	435	6. 124/25		470	6. 159/60
	436	S. 125/26	Marcus Aurelius	471	S. 160/61
	437	1. 126/27		472	1. 161/62
	438	2. 127/28		473	2. 162/63
Antoninus Pius	439	3. 128/29		474	3. 163/64
	440	3. 129/30		475	4. 164/65
	441	5. 130/31		476	5. 165/66
	442	6. 131/32		477	6. 166/67
	443	S. 132/33		478	S. 167/68
	444	1. 133/34		479	1. 168/69
	445	2. 134/35		480	2. 169/70
	446	3. 135/36		481	3. 170/71
	447	4. 136/37		482	4. 171/72
	448	5. 137/38		483	5. 172/73
	449	6. 138/39		484	6. 173/74
	450	S. 139/40		485	S. 174/75
	451	1. 140/41		486	1. 175/76
	452	2. 141/42	Commodus	487	2. 176/77
	453	3. 142/43		488	3. 177/78
	454	4. 143/44		489	4. 178/79
	455	5. 144/45		490	5. 179/80
	456	6. 145/46		491	6. 180/81
	457	S. 146/47		492	S. 181/82

Ruler	S.E.	C.E.	Ruler	S.E.	C.E.
	493	1. 182/83	Elagabalus	528	1. 217/18
	494	2. 183/84		529	2. 218/19
	495	3. 184/85		530	3. 219/20
	496	4. 185/86		531	4. 220/21
	497	5. 186/87		532	5. 221/22
	498	6. 187/88	Severus Alexander	533	6. 222/23
	499	S. 188/89		534	S. 223/24
	500	1. 189/90		535	1. 224/25
	501	2. 190/91		536	2. 225/26
	502	3. 191/92		537	3. 226/27
Pertinax; Julianus	503	4. 192/93		538	4. 227/28
Septimus Severus	504	5. 193/94		539	5. 228/29
	505	6. 194/95		540	6. 229/30
	506	S. 195/96		541	S. 230/31
	507	1. 196/97		542	1. 231/32
	508	2. 197/98		543	2. 232/33
	509	3. 198/99		544	3. 233/34
	510	4. 199/200		545	4. 234/35
	511	5. 200/01	Maximinus Thrax	546	5. 235/36
	512	6. 201/02		547	6. 236/37
	513	S. 202/03	Gordian I	548	S. 237/38
	514	1. 203/04	Gordian III	549	1. 238/39
	515	2. 204/05		550	2. 239/40
	516	3. 205/06		551	3. 240/41
	517	4. 206/07		552	4. 241/42
	518	5. 207/08		553	5. 242/43
	519	6. 208/09	Philip	554	6. 243/44
	520	S. 209/10		555	S. 244/45
	521	1. 210/11		556	1. 245/46
Caracalla	522	2. 211/12		557	2. 246/47
	523	3. 212/13		558	3. 247/48
	524	4. 213/14	Decius	559	4. 248/49
	525	5. 214/15		560	5. 249/50
	526	6. 215/16		561	6. 250/51
Macrinus	527	S. 216/17	Gallus	562	S. 251/52

Ruler	S.E.	C.E.	Ruler	S.E.	C.E.
Aemilianus	563	1. 252/53		598	1. 287/88
Gallienus II	564	2. 253/54		599	2. 288/89
	565	3. 254/55		600	3. 289/90
	566	4. 255/56		601	4. 290/91
	567	5. 256/57		602	5. 291/92
	568	6. 257/58		603	6. 292/93
Gallienus III	569	S. 258/59	Constantius I	604	S. 293/94
	570	1. 259/60		605	1. 294/95
	571	2. 260/61		606	2. 295/96
	572	3. 261/62		607	3. 296/97
	573	4. 262/63		608	4. 297/98
	574	5. 263/64		609	5. 298/99
	575	6. 264/65		610	6. 299/300
	576	S. 265/66		611	S. 300/01
	577	1. 266/67		612	1. 301/02
Claudius II	578	2. 267/68		613	2. 302/03
	579	3. 268/69		614	3. 303/04
Quintillus	580	4. 269/70		615	4. 304/05
Aurelian	581	5. 270/71	Constantine I	616	5. 305/06
	582	6. 271/72		617	6. 306/07
	583	S. 272/73		618	S. 307/08
	584	1. 273/74		619	1. 308/09
Tacitus	585	2. 274/75		620	2. 309/10
Florianus	586	3. 275/76		621	3. 310/11
Probus	587	4. 276/77		622	4. 311/12
	588	5. 277/78		623	5. 312/13
	589	6. 278/79		624	6. 313/14
	590	S. 279/80		625	S. 314/15
	591	1. 280/81		626	1. 315/16
Carus	592	2. 281/82		627	2. 316/17
Carinus	593	3. 282/83		628	3. 317/18
Diocletian	594	4. 283/84		629	4. 318/19
	595	5. 284/85		630	5. 319/20
	596	6. 285/86		631	6. 320/21
	597	S. 286/87		632	S. 321/22

Ruler	S.E.	C.E.	Ruler	S.E.	C.E.
	633	1. 322/23		668	1. 357/58
	634	2. 323/24		669	2. 358/59
	635	3. 324/25		670	3. 359/60
	636	4. 325/26	Julian the Apostate	671	4. 360/61
	637	5. 326/27		672	5. 361/62
	638	6. 327/28		673	6. 362/63
	639	S. 328/29	Jovian	674	S. 363/64
	640	1. 329/30	Valens	675	1. 364/65
	641	2. 330/31		676	2. 365/66
	642	3. 331/32		677	3. 366/67
	643	4. 332/33		678	4. 367/68
	644	5. 333/34		679	5. 368/69
	645	6. 334/35		680	6. 369/70
	646	S. 335/36		681	S. 370/71
Constantius II	647	1. 336/37		682	1. 371/72
	648	2. 337/38		683	2. 372/73
	649	3. 338/39		684	3. 373/74
	650	4. 339/40		685	4. 374/75
	651	5. 340/41		686	5. 375/76
	652	6. 341/42		687	6. 376/77
	653	S. 342/43		688	S. 377/78
	654	1. 343/44	Theodosius I	689	1. 378/79
	655	2. 344/45		690	2. 379/80
	656	3. 345/46		691	3. 380/81
	657	4. 346/47		692	4. 381/82
	658	5. 347/48		693	5. 382/83
	659	6. 348/49	Arcadius	694	6. 383/84
	660	S. 349/50		695	S. 384/85
	661	1. 350/51		696	1. 385/86
	662	2. 351/52		697	2. 386/87
	663	3. 352/53		698	3. 387/88
	664	4. 353/54		699	4. 388/89
	665	5. 354/55		700	5. 389/90
	666	6. 355/56		701	6. 390/91
	667	S. 356/57		702	S. 391/92

Ruler	S.E.	Ruler	Ruler	S.E.	C.E.
Theodosius II	703	1. 392/93		731	1. 420/21
	704	2. 393/94		732	2. 421/22
	705	3. 394/95		733	3. 422/23
	706	4. 395/96		734	4. 423/24
	707	5. 396/97		735	5. 424/25
	708	6. 397/98		736	6. 425/26
	709	S. 398/99		737	S. 426/27
	710	1. 399/400		738	1. 427/28
	711	2. 400/01		739	2. 428/29
	712	3. 401/02		740	3. 429/30
	713	4. 402/03		741	4. 430/31
	714	5. 403/04		742	5. 431/32
	715	6. 404/05		743	6. 432/33
	716	S. 405/06		744	S. 433/34
	717	1. 406/07		745	1. 434/35
	718	2. 407/08		746	2. 435/36
	719	3. 408/09		747	3. 436/37
	720	4. 409/10		748	4. 437/38
	721	5. 410/11		749	5. 438/39
	722	6. 411/12		750	6. 439/40
	723	S. 412/13		751	S. 440/41
	724	1. 413/14			
	725	2. 414/15			
	726	3. 415/16			
	727	4. 416/17			
	728	5. 417/18			
	729	6. 418/19			
	730	S. 419/20			

THE "ABERRANT" TEXT OF PHILO'S QUOTATIONS RECONSIDERED

GEORGE E. HOWARD
University of Georgia

FOR those who are interested in the Greek version of the Hebrew Bible, especially in regard to its ancient textual forms, the writings of Philo are important since they are replete with quotations from scripture. In the category of his writings which is known as the Allegory,¹ the format consists of a quotation of biblical verses followed by a commentary. Such an introductory quotation is known as a *lemma*; the commentary is known as an exposition. The expositions of all groups of manuscripts seldom exhibit significant variations from each other. But this is not the case with the *lemmata*. Those *lemmata* cited in the majority of manuscripts almost always correspond to the reading of the Septuagint (LXX). On the other hand, the *lemmata* in manuscripts UF and sometimes L frequently disagree with the LXX (and consequently with the *Lemmata* in the majority of manuscripts).

How shall one account for these variations? In 1950 W. P. M. Walters, better known as Peter Katz, attempted to prove in his *Philo's Bible*² that the quotations in the *lemmata* of the majority of manuscripts represent the original text of Philo, while those discordant quotations found in the *lemmata* of UF (L) represent an aberrant text. His methodology consisted of a comparison of Philo's expositions with the *lemmata* within a single treatise; for in the exposition Philo often requotes the biblical text, sometimes in words and phrases and sometimes in whole sentences, in such a way as to reveal the wording of the text as it must have stood in the original *lemma*. According to Katz there is a usual correspondence of the exposition with the *lemmata* in the majority of manuscripts, against the lack of complete correspondence in UF (L). He therefore concluded that Philo's Bible was the LXX.

Katz³ asserted that while ordinarily *lemma* and exposition corres-

1 For a good brief introduction of Philo's works see E. R. Goodenough, *An Introduction to Philo Judaeus* (2nd Edition; New York: Barnes and Noble, 1962), pp. 31-51; see also H. A. Wolfson, *Philo* (Cambridge: Harvard University Press, 1948), I, 87-88.

2 Peter Katz, *Philo's Bible, The Aberrant Text of Bible Quotations in Some Philonic Writings and Its Place in the Textual History of the Greek Bible* (Cambridge: University Press, 1950); hereafter *PB*.

ponded, in the case of UF (L) there were striking differences between *lemma* and exposition. He explained that in the *lemmata* of UF (L) scribes had made changes to bring the text of the quotation in line with that form of the Bible to which they were accustomed.³ While these scribes apparently had no reluctance to alter a *lemma*, they seem not to have carried their alterations into the body of the exposition, being content to leave the quotation in the exposition alone.⁴

Katz made his examination of Philo at the suggestion of Paul Kahle,⁵ who believed that many of the readings in the aberrant *lemmata* are original. Kahle was dependent on August Schröder who as a student of Alfred Gercke at Greifswald wrote a thesis entitled *de Philonis Alexandrini Vetere Testamento* (1907),⁶ in which he concluded that the *lemmata* of manuscripts UF represent the original text of Philo while those in the remaining manuscripts represent a replacement of this with LXX.

Upon his reexamination of the quotations, Katz announced that Schröder was wrong both in his conclusion and in his approach. He pointed out that Schröder never bothered to check Philo's exposition to see what form of the biblical text it actually reflected. Furthermore, he criticized Kahle for relying on Schröder without checking the quotations himself: "Whatever conviction Kahle's points may carry does not derive from Schröder's results, for there are none, as was only to be expected from his method. When included in a chain of arguments they are bound to be its weakest link, and only after this has been removed can the chain prove its strength."⁷

Some have accepted Katz's book as authoritative⁸ and indeed his treatment of Philo has contributed much to Philonic and Septuagintal studies. In the first place he has correctly interpreted the situation of Philo and others like him who quote from scripture, namely, that a

3 The process probably happened in the following way: in the original form of Philo's treatises the LXX text was quoted and expounded. At a later period the quotations were omitted in one manuscript only to be reinserted at an even later stage in its descendants. But the quotes, which were reinserted, were sometimes placed in the wrong position, sometimes made longer than the original citation, and sometimes given in a different text form.

4 *Ibid.*, pp. 98-99.

5 See Kahle's account of the project in the *Cairo Geniza* (2nd Edition: Oxford: Basil Blackwell, 1959), pp. 247-249. See also Katz, *PB*, p. 138.

6 For a description of the Thesis see Katz, *PB*, p. 134 ff.

7 *Ibid.*, p. 138. See also Katz's observations in "The Recovery of the Original Septuagint: A Study in the History of the Transmission and Textual Criticism," *Actes Du Premier Congrès de la Fédération Internationale des Association d'Etudes Classiques* (Paris, Librairie C. Klincksieck, 1950), pp. 175-176.

8 J. W. Wevers, "Proto-Septuagint Studies," *The Seed of Wisdom. Essays in Honor of T. J. Meek*, ed. by W. S. McCullough (Toronto: University of Toronto Press, 1964), pp. 66-68.

quotation tends in the course of transmission to be assimilated to the type of Bible currently in use. The quotation as it is reflected in the body of the treatise is less likely to have been changed. Whenever possible, then, the type of text which is reflected in the exposition will decide which form of the *lemma* is authentic.

There are some problems, however, connected with Katz's methodology. As we have seen, he concluded that it is primarily in the *lemmata* in UF (L) that an aberrant text is discovered. The present paper will show to the contrary that the aberrant text is sometimes reflected, beyond the *lemma* of UF (L), in the body of the exposition in all manuscripts.

I. The first problem in Katz's methodology is his characterization of the text of UF as a whole. He says that it introduces non-Septuagintal quotations which are unsupported by the exposition. This is understandable enough and generally agrees with his conclusions. He then says that manuscripts UF also introduce "interchanges between quotations from the Bible and Philo's exposition."⁹ What he means by this is that when the aberrant *lemma* is supported by the exposition, the two correspond because the quotation in the *lemma* has been assimilated by scribes to the text of the exposition. In this way he explains away time and again the aberrant *lemma* when it is supported by the exposition. The theory itself, however, implies that the exposition sometimes does support mss UF.

A review of several examples will bear out the significance of this methodological problem.

1. *De cherubim* 74 Exodus 15:9

LXX
μεριῶ σκῦλα

Philo
μεριῶ σκῦλα

UF
μεριῶ λάφρα

In all probability Philo had the reading of UF before him since in the exposition there is an allusion to it in the word *λαφροαγογήσειν*, #75.

Katz rejects the reading of UF first of all because it is like Aquila. Secondly he dismisses the apparent allusion to it in the exposition by his assimilation theory: "Yet there is the alternative possibility that *λάφ.* may be an intrusion from Philo's own speech; for in his interpretation he says *λαφροαγογήσειν* #75."¹⁰

2. *De agricultura* 44 Num. 27:17

LXX
πρόβατα

Philo
πρόβατα

UF
ποίμνιον

⁹ *PB*, p. 96.

¹⁰ *PB*, p. 17.

It is difficult to decide which reading is original since both appear in the exposition. Thus *πρόβατα* occurs in #42 and in the quotation of Ex. 3:1 in #43. The remaining exposition, however, is filled with *ποιμαίνειν* terminology which supports UF; thus, ##39, 41–43, 45, 48–52.

Katz recognizes the expositional support of UF and again dismisses it as “a borrowing from Philo’s own exposition in #45.”¹¹

3. *De congressu eruditionis gratia* 43 Gen. 46:20

LXX
ἡ παλλακή

Philo
ἡ παλλακή

F
ἡ παλλακίς

The exposition which immediately follows in #43 uses both words, *παλλακήν* and *παλλακίδος*. This means that there is no way to tell for sure which text Philo had before him. Katz, however, again explains away the aberrant reading with his assimilation theory: “Therefore *παλλακίς* in F (Gen. 46:20) can be considered an accommodation of the quotation to Philo’s own mode of speech. As Philo uses both forms, the variant of F, though modifying G, remains within the Philonic range.”¹²

In each case, then, we can see that Katz dismisses the aberrant reading, even though it is supported by the exposition, by his theory of assimilation. Particularly, in the last example do we see the approach of Katz. Though his preference for the LXX reading in this instance is possibly justified, he actually states no textual critical principle for accepting it. For Katz, the standard for determining the authentic Philonic text, unless there is some overwhelming reason to the contrary, is LXX.

In all the above cases the standard of the exposition must be allowed to stand, regardless of whether or not it supports LXX. To do otherwise, that is, to deny the witness of the exposition, is to lose the only viable means of identifying the authentic *lemmata*.

II. Another problem connected with Katz’s methodology lies in his suspicion of the notion that a recension might find its roots in a time prior to the date of its traditional recensor. He thus criticizes Adam Mez¹³ for “juggling with notions like *Ur-Lucian* and *Ur-Theodotion*: for the shadows of a Lucian and a Theodotion are made to wander around centuries before their real namesakes were in existence.”¹⁴

¹¹ *PB*, p. 33.

¹² *PB*, p. 38.

¹³ *Die Bibel des Josephus untersucht für Buch V–VII des Archäologie* (Basel, 1895).

¹⁴ *PB*, p. 134.

Likewise, he is quite opposed to the aberrant text, since it often has the exact wording of Aquila or an approximation to it. On these grounds he criticizes Nestle, who in 1900 argued in favor of the aberrant text against Cohn and Wendland.¹⁵ According to Katz, "Nestle's tacit supposition is that such tendencies as came to a head in Aquila can be proved by Philo's quotations to have obtained as early as the first century A.D."¹⁶ Katz rejects the notion entirely.¹⁷

A major mistake which Katz made was to overemphasize the Aquilanic nature of the aberrant quotations. In reality the quotations, though often like Aquila, are often distinct from Aquila, as G. D. Kilpatrick pointed out in his review of Katz in 1951.¹⁸ Since this is obviously the case, the quotations cannot legitimately be excused on the grounds that they are Aquila.

Of course Katz was writing in 1950 before Barthélemy had published his Greek Twelve Prophets Scroll¹⁹ from Naḥal Ḥever and had identified it with *καίγε*, a pre-Aquila type text. But even after Barthélemy's first notice Katz remained adamant against the aberrant text, since he accepted Barthélemy's dating of the document toward the *end* of the first century C.E.²⁰ This ruled out the possibility of Philo using it. It is now accepted by many that the scroll dates at least in the first part of the first century C.E., thus well in time for Philo to have used this text type.²¹

Indeed it appears that at times Philo did use *καίγε* or at least a text with similar characteristics. We have already noted the approximation of the aberrant text to Aquila in example one above and the fact that the exposition supports it. To this may be added the following example where the aberrant text portrays characteristics of *καίγε*.

15 *Zur neuen Philo-Ausgabe*, 1.1., N.F. 13, 1900, pp. 256 ff., as cited by Katz, *PB*, p. 133.

16 *PB*, p. 133.

17 See especially his "A Fresh Aquila Fragment Recovered From Philo," *JTS* 57 (1946), pp. 31-33.

18 *JTS* (NS) 2 (1951), pp. 87-89.

19 For a full publication of the scroll see D. Barthélemy, *Les devanciers d'Aquila: Première publication intégrale du texte des fragments du Dodécaprophéton* (Leiden: E. J. Brill, 1963) [SVT. X.]

20 D. Barthélemy, "Redécouverte d'un chaînon manquant de l'histoire de la Septanta," *RB* 60 (1953), p. 19; P. Katz, "Justin's Old Testament Quotations and the Greek Dodekapropheton Scroll," *TU* 63 (1957), p. 349.

21 C. H. Roberts dates the script on the scroll to the century from 50 B.C.E. to 50 C.E. See Paul Kahle, "A Leather Scroll of the Greek Minor Prophets and the Problem of the Septuagint," *Opera Minora* (Leiden: E. J. Brill, 1956), p. 113.

De agricultura 51 Exodus 23:20

LXX

καὶ ἰδοὺ ἐγὼ ἀποστέλλω
τὸν ἄγγελόν μου
πρὸ προσώπου σου
ἵνα φυλάξῃ σε
ἐν τῇ ὁδῷ

UFL^{mg}

ἰδοὺ ἐγὼ εἰμι ἀποστέλλω
ἄγγελόν μου
εἰς πρόσωπόν σου
τοῦ φυλάξαι σε
ἐν τῇ ὁδῷ

הנה אנכי שלח מלאך לפניך בשמרך בדרך MT

The quotation appears only in Philonic mss UFL^{mg}. Wendland retains it in his text, however, with the remark: *om. ceteri, fort. recte*. Katz is convinced that it is an intrusion into the original text. His reason is threefold. First, the quotation has the flavor of Aquila. "As it stands it can never have been quoted by Philo; for, as shown above, its wording discloses a mode of speech that is pure Aquila in all its components."²² Katz lists the Aquila elements as (1) ἐγὼ εἰμι = אנכי, (2) ἄγγελόν μου anarthrous construction reflecting Hebrew idiom, (3) εἰς πρόσωπόν σου = לפניך (See Aquila Gen. 46:28), and (4) τοῦ φυλάξαι σε = לשמרך. Second, there are two pegs arranged by UF, according to Katz, on which the quote was hung, namely, ἀρχάγγελον, an addition found only in UF, and the omission of θεοῦ after τοῦ ὄντος in #52. Third, the quotation which is missing in all other witnesses does not fit well into the general flow of the context.²³

There is no reason now to reject the quotation simply because of its approximation to Aquila. Barthélemy's disclosure that καίγε is an early pre-Aquila type text provides an explanation of how Philo might have used such a rendition. Also, the argument from the context is a matter of debate. There is a type of reasoning, not uncharacteristic of Philo, which runs through the whole, including the quotation. At least the one who first used the quotation, whether an interpolator or Philo himself, thought so.

Furthermore it is not at all certain that the so-called two pegs on which UF supposedly hung the quotation are interpolations. This is especially difficult to establish in the second instance. The omission of Θεοῦ after τοῦ ὄντος does not seem to change the context significantly. Mss UF speak of the "greatest and most perfect flock of the One who is." Mss AGH¹ speak of the "greatest and most perfect flock of the God who is."²⁴ Regardless of which reading one takes, it seems that the state-

²² PB, p. 105.

²³ PB, pp. 34, 105-106.

²⁴ MH² read τοῦ ὄντως instead of τοῦ ὄντος. Wendland conjectures that the original reading was τῷ ὄντι which corresponds to a method of emphasis used by Philo elsewhere: ἡγεμονικὸν τῷ ὄντι, agr. 59; βασιλικῇ τῷ ὄντι χρώμενος ὁδῷ,

ment refers to the quotation in the aberrant form: ἰδοὺ ἐγὼ εἰμι ἀποστέλλω with the understanding of its meaning as "Behold *I am*. I am sending."

If the exposition, then, does reflect the aberrant reading, it is most significant since the construction ἐγὼ εἰμι = אנכי used with the finite verb is one of the characteristics of the *καίγε* text of the first century C.E. identified by Barthélemy.²⁵

The authenticity of the quotation in UFL^{ms} is strengthened by the introductory formula: καὶ γὰρ εἴρηται σου, a type which is characteristic of Philo elsewhere.²⁶

III. A third problem connected with Katz's methodology is his occasional inconsistency in carefully checking the exposition of a scripture quotation, both in its original and subsequent appearances, in order to confirm the authentic reading of the *lemma*. Most often Katz is careful in his examination of the exposition, but sometimes he is not. The following are possible examples where he has not been careful.

Alleg. I. 16 Gen. 2:2b

<i>LXX</i>	<i>MAP</i>	<i>UFL</i>
καὶ κατέπαυσεν	κατέπαυσεν οὖν	κατέπαυσεν οὖν
τῇ ἡμέρᾳ	τῇ ἡμέρᾳ	τῇ ἐβδόμῃ
τῇ ἐβδόμῃ	τῇ ἐβδόμῃ	ἡμέρᾳ
<i>MT</i> וַיִּשְׁבֹּת בַּיּוֹם הַשְּׁבִיעִי		

The shift in the position of numerals may be of little consequence, since at an early stage numbers may have appeared in the form of numeral letters.²⁷ It is interesting, however, that Philo's exposition prior to this section in all manuscripts uses the order of UFL: *πρώτον οὖν ἐβδόμῃ ἡμέρᾳ καταπαύσας* (≠5). In a parallel way the exposition on Gen. 2:2a (≠3) in all mss uses the order of number-day: *ἔκτῃ ἡμέρᾳ τὰ ἔργα*. The *lemma* in this case reads in all mss the order of day-number as does LXX: *τῇ ἡμέρᾳ (ἐν ἡμέρᾳ UFL) τῇ ἑκτῇ* (≠2). The fact that

de gig. 64; τῷ ὄντι ἀκρότητες, *quod deus sit immut.* 81. Quoted in Katz, *PB* pp. 105 106 n. I.

²⁵ See DA, pp. 69–78. The idiom was used earlier by Thackeray to identify his second translator (now known as the *καίγε* revisor) of the BS section of Reigns. See "The Greek Translators of the Four Books of Kings," *JTS* 8 (1906) pp. 272–273.

²⁶ See Ronald Williamson, *Philo and the Epistle to the Hebrews* (Leiden: E. J. Brill, 1970), p. 509. For discussion on another possible example of Philo using an Aquila type text see *De confus. ling.* 166 and the comments by Williamson, p. 570–573.

²⁷ So Katz, *PB*, pp. 7–8.

the order of the exposition is contrary to MT (ביום השביעי) in both cases tends to enhance the significance of the aberrant reading.²⁸

Alleg. I. 28. Gen. 2:6

LXX	MAP	UFL
πηγή δὲ ἀνέβαιεν ἐκ τῆς γῆς	πηγή δὲ ἀνέβαιεν ἐκ τῆς γῆς	πηγή δὲ ἀνέβαιεν ἀπὸ τῆς γῆς
מן הארץ MT		

The exposition of this *lemma* gives no indication as to whether Philo read ἐκ or ἀπό. Rather it gives an allegorical interpretation equating “mind” with “spring” and “face” with “senses.” “The mind,” Philo says, “like a spring waters the senses.” (≠28)

The passage is also quoted in *opif. mundi* 131, *de fuga* 178, and *post. cain.* 127 mostly in the form of LXX. In *post. cain.* 127 the exposition alludes to Philo’s allegory that the “face” equals the “senses” and says that “the spring that rises from the dominant faculty (ἡ ἀνιόνσ’ ἀφ’ ἡγεμονικοῦ πηγῆς) . . . sends up conduits . . . as far as the face.” Ἀφ’ is read by all mss. Another allusion is found in the same treatise ≠126 where the exposition reads, “Would not everyone say that each of the senses is watered from the mind as from the spring (ὥσπερ ἀπὸ πηγῆς τοῦ νοῦ ποτιζέσθαι).” Again all mss read ἀπό.

Against the reading of ἀπό is Philo’s continued allegory in which he equates the “spring” with the “word of God” which waters virtue. “It is in this way that the word of God waters the virtues; for the word of God is the source and spring (πηγὴ) of noble conduct” (≠127). Philo explains, “The lawgiver intimates as much by the words: ‘A river goeth out of Eden (ἐξ Εδέμ) to water the garden’ ” (≠128). Later in speaking of the four cardinal virtues he says, “These have sprung from the Divine word as from a single root (ἐκ μιᾶς ῥίζης)” (≠129). The phrases ἐξ Εδέμ and ἐκ μιᾶς ῥίζης are read by all mss.

The exposition of *de fuga* 178 again takes up the allegorical equation of “mind” equals “spring.” Philo says, “Thus the dominant faculty in the soul waters, as from a spring (ἀπὸ πηγῆς), the face.” (≠182) Again all witnesses read ἀπό.

Thus it would appear that the exposition of Philo at times supports the reading of ἐκ and at times the ready of ἀπό. Since neither reading

28 In *post.cain.* 64 Philo quotes Gen. 2:2 using LXX order: ἐν τῇ ἡμέρᾳ τῇ ἐβδόμῃ. The passage is also quoted in this order in Heb. 4:4. Josephus *Ant. I.* 29–34 consistently uses the order number-day whenever he does not abbreviate. Unfortunately he abbreviates the seventh day: τῇ δὲ ἐβδόμῃ. An excellent discussion of the passage as a whole may be found in Williamson, *Philo and the Epistle to the Hebrews*, pp. 539–557.

is closer to MT than the other, we may tentatively conclude that Philo had both readings before him.

Alleg. I. 31. Gen. 2:7

<i>LXX (Major Codices)</i>	<i>MAP</i>	<i>UFL</i>
χοῦν ἀπὸ τῆς γῆς	χοῦν ἀπὸ τῆς γῆς	χοῦν λαβῶν (only U) ἀπὸ τῆς χθονός
עפר מן־האדמה <i>MT</i>		

The appearance of *χθονός* in UFL in the place of *γῆς* is interesting, since it is the reading of Aquila. It is also probably secondary since the exposition supports only the reading of *γῆς*, i.e., *γήινος* three times (#31), ἀνθρωπον δὲ τὸν ἐκ γῆς (#32), etc.

The reading of *λαβῶν*, (against MT), which is attested by ms U only, is accepted by Cohn as the genuine text of Philo.²⁹ Though the exposition here does not give relevant evidence to the word, the passage appears again in *opif. mundi* 134. All witnesses but FG read *λαβῶν*. In the exposition all mss support *λαβῶν* in the statements: γεγενῆσθαι γὰρ τὸ μὲν σῶμα χοῦν τοῦ τεχνίτου λαβόντος, #135; οὐκ ἐκ τοῦ τυχόντος μέρους τῆς γῆς ἔοικεν ὁ Θεὸς χοῦν λαβῶν, #137.

Cohn is thus probably correct in retaining the reading of *λαβῶν* in *Alleg. I. 31*.³⁰

Alleg. I. 63 Gen. 2:14

<i>LXX</i>	<i>MAP</i>	<i>UFL</i>
καὶ ὁ ποταμὸς ὁ τρίτος <i>Τίγρις</i> ...	καὶ ὁ ποταμὸς ὁ τρίτος <i>Τίγρις (Τίγρης — AP)</i> ...	καὶ ὁ ποταμὸς ὁ τρίτος (ὁ τρίτος — omit, F) <i>Τίγρις (ὁ Τίγρης — FL)</i>
ὁ δὲ ποταμὸς ὁ τέταρτος οὗτος <i>Εὐφράτης</i>	ὁ δὲ ποταμὸς ὁ τέταρτος <i>Εὐφράτης</i>	καὶ ὁ ποταμὸς ὁ τέτα- ρτος οὗτος <i>Εὐφράτης</i> (οὗτος ὁ <i>Εὐφρ.</i> — L)
הוא ... הנה <i>MT</i>		

The article in FL before *Τίγρης* and in L before *Εὐφράτης* is contrary to LXX and the other Philonic witnesses. Katz characterizes the articles

²⁹ Leopoldus Cohn, *Philonis Alexandrini Opera Quae Supersunt* (Berolini: Georgii Reimeri, 1896), I, 68. Katz takes exception to Cohn, pointing out that in LXX *λαβῶν* is not attested by any uncials (however most uncials are not preserved here) and that it appears in three different places in the witnesses that have it. This leads him to believe that it is an intrusion from a marginal note. *PB*, p. 9.

³⁰ Josephus also preserves the *λαβῶν* but in a different position: ἐπλασεν ὁ Θεὸς τὸν ἀνθρωπον χοῦν ἀπὸ τῆς γῆς λαβῶν, *Ant. I. 34*.

here as "unique," and "neither in accordance with, nor borne out by, ##69, 72."³¹ His references are apparently to the later quotations of the verse in ##69 and 72 where the articles are lacking in all witnesses.

In the exposition proper, however, the situation is not so simple. In #72 Philo's comment is: καρποφορία καλεῖται ὁ Εὐφράτης. The manuscript tradition is mixed, with FL omitting the entire phrase, MArm reading ὁ Εὐφράτης, U reading οὗτος ὁ Εὐφράτης, and AP omitting ὁ Εὐφράτης. At best we can say that the witnesses which include Εὐφράτης read the article.³² ὁ Εὐφράτης in all witnesses appears again in #85. Likewise the exposition reads ὁ μὲν Τίγρις...ὁ δὲ Εὐφράτης, #85, ὁ Τίγρις ποταμός... ὁ Εὐφράτης ποταμός, #87. In these cases, however, one might argue that the article is a syntactical necessity. Also the first two rivers, the Φεισὼν and Γηών, though anarthrous in the lemma of ##63, sometimes appear in the exposition with the article, i.e., ##68, 85. Philo's use of the article, then, is somewhat free. Therefore, we cannot conclude with certainty that the aberrant reading of the articles in the lemma is genuine, but neither can we rule it out with certainty.

De agricultura 12. Deut. 20:20

LXX	Philo (all mss other than UF)	UF
ἥτις ποιεῖ	ἥτις (εἰ τις - AH ¹) ποιήσει	ἥτις ποιεῖ
πρὸς σέ	πρὸς σέ	μετά σου
τὸν πόλεμον	τὸν πόλεμον	τὸν πόλεμον
ἕως ἄν		ἕως
παραδοθῇ		καθαιρεθῆναι αὐτήν

Besides the reading of ποιεῖ (with LXX) in place of ποιήσει and the reading of μετά (against LXX) in place of Πρὸς, the text of UF differs from the other codices by extending the quotation to include the prospective overthrow of the city which makes war against its neighbor. Katz says the aberrant reading is not authentic since the exposition, ##7-19, deals "only with (pruning and) extirpating such trees as bear uneatable fruit, also with the palisades, but not with the prospect of the city finally succumbing as in the extended quotation."³³

There is, however, a possible reference to the final element of the extended quotation in the exposition when Philo says that "the logical

³¹ *PB*, p. 14.

³² It might be argued that the article is necessary at the second mention of Εὐφράτης, to make it definite. This is not necessary for Philo; cf. Φεισὼν and Εὐλάτ, #74.

³³ *PB*, p. 33.

part of philosophy... destroys plausible falsehood (*τὸ λογικὸν μέρος φιλοσοφίας ... τὴν εὐπαράγωγον ἀπάτην ... ἀναιρῇ*)" ##15 f. The fact that the form *ἀναιρῇ* is used (cf. also *ἀνελῶ*, ##18) points out that not only was the extended quote used, in all probability by Philo, but also the form of it found in UF as opposed to LXX codices.

Quo Deus sit immutabilis 131. Lev. 14:36

LXX
ἀκάθαρτα

Philo
ἀκάθαρτα
כָּטָוּ MT

UF
μυανθήσεται ἀκάθαρτα

The reading of UF is interesting in this case since it displays a doublet. There is also an interesting marginal note in manuscript L² which says, "post γενήσεται add. καὶ οὐ μυανθήσεται." This corresponds to the reading of LXX mss gn which Katz calls "the two chief witnesses to the Lucianic text."³⁴ However, it is difficult to confirm that the reading goes back to the Lucianic (or Proto-Lucianic)³⁵ recension, since true Lucianic witnesses in the Pentateuch are hard to isolate.³⁶

Whatever the case, the reading of UF finds confirmation in the exposition which uses both words; thus, ἀκάθαρτα in ##132 and μαινέσθαι and μιάνας in ##133 and 135 respectively.

IV. Conclusions

1. We have thus demonstrated that the aberrant text of manuscripts UF (L) does represent at times the type of text used by Philo. However, it must be emphasized that the Septuagint text as represented by the early Christian Codices is the text which is reflected most often by the exposition. But the percentage of verifiably authentic LXX *lemmata* is not as great as one might think.

In the first place there is a large number of instances where the exposition reads in a way that does not disclose which text Philo had before him. There are other instances where the exposition does not verbally support any *lemma* at all. In these cases it is difficult to decide

34 *PB*, p. 30.

35 See George Howard, "Lucianic Readings in a Greek Twelve Prophets Scroll from the Judean Desert," *JQR*, 72 (1971), pp. 51-60.

36 Ernst Hautsch, "Der Lukiantext des Oktateuch" [= *Mitteilungen des Septuaginta-Unternehmens der Königlichen Gesellschaft der Wissenschaften zu Göttingen*, Vol. I] (Berlin, 1909). See also now especially A. V. Billen, "The Classification of the Greek MSS of the Hexateuch," *JTS* 26, pp. 262-272. For recent discussions of the Lucianic Recension, see Sidney Jellicoe, *The Septuagint and Modern Study* (Oxford: Clarendon Press, 1968), pp. 157-171; B. M. Metzger, "The Lucianic Recension of the Greek Bible," *Chapters in the History of New Testament Textual Criticism* (Leiden: E. J. Brill, 1963), pp. 1-41.

whether Philo is merely paraphrasing or whether he is commenting on a form of the Greek Bible which is no longer extant. Then there are the instances where the readings of UF are reflected in the exposition. This considerably reduces the number of clearly authentic LXX readings.

2. The fact that Philo at times used a text type different from the Christian codices of the Septuagint has implications for our understanding of the nature of the Greek Bible at the beginning of the first century C.E. Though it is possible that Philo used two versions of the Greek Bible, sometimes LXX and sometimes the aberrant text, it is also possible that he used only one version of the Greek Bible which contained a mixed text, some parts coming from LXX and some from the aberrant text. One could also argue (though it does not seem likely) that Philo used an unmixed version which from its very beginning included at least those elements of the aberrant text which his exposition supports. If so, it would imply that the original Greek was not characteristically uniform in its methods of translation.

3. The present study again raises the issue of the nature of the aberrant text. One of its most striking characteristics is its often close relationship to Aquila. It was for this reason that Katz wanted to date it somewhere in the early Middle Ages at a time when an interpolator, who, being interested in Philo from the point of view of his scripture quotations only, could bring together such conflicting elements as Philo and Aquila.³⁷

The publication of the first century C.E. Greek Twelve Prophets Scroll by Barthélemy and his identification of it with the early pre-Aquila *καίγε* text places this issue in an entirely different light. It is possible that Philo made use of the *καίγε* text and by this means occasionally overlapped with Aquila. If this is the case, the aberrant text preserves for us some of the earliest extant remnants of the *καίγε* text in the Pentateuch.

At the same time, however, we must not make the mistake of equating the aberrant text *in toto* with *καίγε*. Quite often it is not as close to MT as to LXX, as the following statistics show:

Alleg. I. (Gen. 2:1-17)

Philo Codd. agree with MT against the aberrant text 11 times. The Aberrant text agrees with MT against Philo Codd. 13 times.

De cherubim (all quotations)

Philo Codd. agree with MT against the aberrant text 4 times. The aberrant text agrees with MT against Philo Codd. 5 times.

De sacrificiis Abelis et Caini (all quotations from Gen. and Exod.)

³⁷ PB, pp. 120-121.

Philo Codd. agree with MT against the aberrant text 13 times. The aberrant text agrees with MT against Philo Codd. 8 times.

Conclusion: Out of a total of 54 variants the aberrant text agrees with MT 26 times, while Philo Codd. agree with it 28 times.

Since these statistics are confined to a limited number of quotations in three treatises they can only be provisional. However, they point out the danger of assuming too hurriedly that the aberrant text *in toto* is closer to MT than Philo Codd. This in turn leads us to believe that the aberrant text, though possibly including *καίγε* readings, is not itself *καίγε*.

A DEFENSE OF DAVID QIMḤI

STEFAN C. REIF

University of Cambridge, U.K.

IT is widely recognized that the Qimḥi family occupied a central role in ensuring that the Jews of Christian Europe inherited and enjoyed the fruits of the advanced study of Hebrew philology attained by various noted personalities in the Spanish center. David ben Joseph Qimḥi, benefitting considerably from the earlier work of his father and brother, was especially effective in transforming the original but highly technical and intricate Arabic works of his predecessors into lucid and systematic Hebrew tracts manifestly suitable as comprehensive summaries of the elements of Hebrew grammar. By dint of their improved presentation and accessibility his manuals superseded those of the earlier grammarians and ultimately achieved a degree of popularity, first among Jews and later among Christian Hebraists, which survived into the modern period.¹ Qimḥi's philological notes were of course closely bound up with the exegesis of biblical passages and it was in this sphere that his work found its most effective application.²

A secondary effect of the dissemination of Qimḥi's systematic presentation of Hebrew grammar, somewhat less widely appreciated, may be detected in the development of Hebrew vocalization among the Ashkenazi communities of the thirteenth to the sixteenth century. It has recently been demonstrated that the renunciation of a number of variant, and at one time valid and independent systems of Hebrew vocalization in favor of a standardized *massora* based on that of Ben Asher was limited in Ashkenazi communities to the text of the Hebrew scriptures. In other spheres of Hebrew usage such as that of the syna-

1 W. Bacher, "Die hebräische Sprachwissenschaft vom 10. bis zum 16. Jahrhundert," in J. Winter and A. Wünsche, *Die jüdische Litteratur seit Abschluss des Kanons* 2 (Trier, 1894), 191–207, and his article in the *Jewish Encyclopaedia*, 6, 71; H. Hirschfeld, "Literary History of Hebrew Grammarians and Lexicographers, accompanied by Unpublished Texts" (*Jews' College Publications*, No. 9, London, 1926), 78–86; W. Chomsky, *David Kimhi's Hebrew Grammar* (Mikhlol) (New York, 1952), Introduction, xi–xxxii.

2 For various aspects of Qimḥi's biblical exegesis see F. Talmage, "R. David Kimḥi as Polemicist," *HUCA* 38 (1967), 213–236, and "David Kimḥi and the Rationalist Tradition," *HUCA* 39 (1968), 177–218, and the literature cited there. Cf. also *infra*, n. 23(a).

gogal liturgy a variant system of vocalization was consciously retained from the eleventh to the fourteenth century. The efforts of the *Naqdanim* to standardize and systematize biblical Hebrew vocalization influenced a number of scholars to attempt the elimination of variant and "sub-standard" vocalization in all spheres of Hebrew usage and, from as early as the thirteenth century, efforts were made by a number of outstanding personalities to "correct" the Hebrew of the liturgy. As the manuals of David Qimḥi became more popular, they exerted considerable influence upon Hebrew grammarians, steering their efforts in the direction of standardization and "correction."³

Qimḥi's work inspired a new interest in Hebrew grammar among Ashkenazi scholars and during the fourteenth, fifteenth and sixteenth centuries, a number of works were composed in the Italian and Provençal centers. These compositions by Joseph Caspi, Profiat Duran, Samuel Benveniste and David ben Yaḥya, were intended to criticize and improve upon Qimḥi's work by devoting greater attention to logic and methodical argument but succeeded neither in establishing the validity of their arguments nor in attaining Qimḥi's degree of popularity. Nor was their criticism of Qimḥi allowed to pass unchallenged. In addition to the criticism which they levelled at each other, Elisha ben Abraham ben Mattathiah published a short work in Constantinople in 1517 devoted to a defense of Qimḥi against his detractors and appropriately entitled *ספר מגן דוד*.⁴

Elijah Levita was the only critic of Qimḥi who succeeded in producing popular grammatical handbooks of value to the student in search of introductory material. The great worth of his publications lay in their contribution to the development of massoretic and lexicographical studies rather than in any novel grammatical theories, and in the impetus they provided for Christian scholars to undertake the serious study of Hebrew grammar. Levita did, however, attempt to improve upon Qimḥi, and published his annotations to the first part of the *Mikhlol* in Venice in

3 The artificial and facile nature of such a differentiation of "correct" and "erroneous" vocalizations and consequently the misguided nature of the enthusiastic efforts of such "correctors" are now well recognized. See N. Allony, "איזהו 'הנקוד שלנו' ב'מחזור ויטרי'?", *Beth Miqra* 17 (1964), 135-144, the writer's *Edition of Shabbathai Sofer's Ms. Commentary on the Sabbath Services according to the Ashkenazi rite with Introduction and Notes* (Ph.D. dissertation, University of London, 1969), 71-81, "A Disputed Liturgical Vocalization," *Journal of Jewish Studies* 20 (1969), 5-24, and "The Vocalization of a Piyyuṭ in Ms. Günzburg 1041," *JQR* 62 (1971), 12-19. Cf. also *infra*, pp. 10 ff.

4 Bacher (*supra*, n. 1), 213-224; Hirschfeld (*supra*, n. 1), 94-98. On Profiat Duran see also Richard W. Emery, "New Light on Profayt Duran 'The Efodi'," *JQR* 58 (1968), 328-337, and *infra*, p. 5.

1545, and to the second part, better known as the *Sefer Ha-Shorashim*, in Venice in 1546–48.⁵

The writer has previously alluded to the intellectual achievements of central European and Polish Jewry during the sixteenth century, and to the need for a revised estimate of the standards of its Jewish scholarship which lays due emphasis on the progress made in the spheres of critical method, pedagogical innovation and linguistic studies rather than concentrating solely on developments in halakhic matters.⁶ In the field of Hebrew grammar too, the advances made in the Italian and Provençal centers had their effect on Jewish scholarship in Poland, and concern was expressed by a number of leading personalities about the prevalent standards of knowledge.⁷ Such concern evidently had its constructive side since early seventeenth century Poland produced an outstanding Hebrew grammarian in Shabbethai b. Isaac (ha-)Sofer of Przemyśl, a prolific writer whose numerous significant works in the field of Hebrew grammar, especially in its relation to the Ashkenazi liturgy, until recently remained largely unexploited.⁸

Shabbethai's major application of his grammatical expertise lay in his efforts to follow earlier "correctors" in establishing the system which had by this time won acceptance as the standard vocalization of biblical Hebrew in all spheres of Hebrew usage, especially that of the synagogal liturgy. He may thus be seen as a forerunner of the work of such later scholars as Solomon "Zalman" Hanau, Isaac Satanow, Judah Ben-Ze'ev, Wolf Heidenheim and Seligmann Baer.⁹ It will be apparent from what has been stated above why Shabbethai regarded the work of Qimḥi as vital and found it necessary to refute Levita's criticisms. A popular and authoritative manual of standard Hebrew grammar and vocalization provided Shabbethai with a source of support for his work, incontrovertible to all but the few who might claim that the vocalization accepted for biblical Hebrew need not necessarily be relevant to the liturgical language.¹⁰

The writer's intention in the remainder of this paper is to provide

5 Bacher (supra, n. 1), 225–230; Hirschfeld (supra, n. 1), 99–100; G. Weil, *Élie Lévi, Humaniste et Massorète* (Leiden 1963).

6 *Journal of Jewish Studies* 20 (1969), 7–8.

7 *Edition etc.* (supra, n. 3), 82–85 and 58–67; S. Assaf, מקורות לתולדות החינוך בישראל. (Tel Aviv 1925), 1, 40–54.

8 *Edition etc.* (supra, n. 3), 5–26, and infra, pp. 9 ff.

9 *Edition etc.* (supra, n. 3), 120–126.

10 In an effort to counter just such a claim, Shabbethai includes in his ms. the argument of 'Azariah de Rossi in favor of the Sinaitic origin of the vowel-points, and the views of certain halakhic authorities that the laws applied to the recitation of the Shema', a biblical text, are equally applicable to all liturgical texts; see infra, pp. 9 ff.

historical details of Shabbethai's efforts to compose commentaries on Qimḥi's work, to furnish details of a little known manuscript which includes his defense of Qimḥi's work, and to correct the erroneous statements of previous scholars on the subject of this manuscript.

As a young teacher of Hebrew grammar in Przemyśl in the final decade of the sixteenth century, Shabbethai corrected the textual errors to be found in the printed editions of the *Mikhlol* and composed a number of essays explaining and clarifying certain difficulties. He permitted those studying the *Mikhlol* under his tutelage to borrow these essays and make copies to assist their studies. In 1598, one of the borrowers, Me'ir ben Ḥayyim, complained to Shabbethai that the essays had gone astray and that he suspected Moses ben Abram, a young man from Prague who had been his guest in Przemyśl in the previous year, of taking them. Some time later Shabbethai was astonished to find that a recommendation for the *ויחל משה* of Judah Aaron Moses ben Abraham Ḥanokh Altschul referred to the latter's commentary on Qimḥi's *Mikhlol* entitled *בחורי חמד*, since he had never heard of Altschul as a grammarian. On his arrival in Prague on Monday, April 17th, 1617, probably to supervise the printing of his edition of the prayer-book, he was casually informed by an acquaintance of Altschul that the latter had confessed to having found essays and explanatory notes on the *Mikhlol* while at the home of Me'ir ben Ḥayyim in Przemyśl, and to having composed the *בחורי חמד* on the basis of these. Following a personal interview with Altschul, Shabbethai was promised that the relevant essays would be made available for his inspection, but when he dispatched a representative for this purpose, Altschul retracted. Shabbethai then accused him in no uncertain terms of plagiarism, arguing further that his refusal to provide access to the essays was a clear indication of his guilt; but all to no practical avail.

In the intervening years, however, Shabbethai had continued his work on the *Mikhlol* and, at the time of his confrontation with Altschul, had composed so many additional explanatory notes that he was in a position subsequently to publish a statement to the effect that Altschul was not only a plagiarist who had never studied or taught any Hebrew grammar but that the work entitled *בחורי חמד*, which he might publish, no longer constituted a sufficiently detailed and up-to-date introduction to the *Mikhlol* for the student of elementary Hebrew grammar.

Shabbethai provides the above information in his introduction to an edition of Moses Qimḥi's *Mahalakh* published with his own corrections, references and annotations in Lublin in 1622. The fact that in the same source Shabbethai advises the student of elementary Hebrew that if he studies this edition of the *Mahalakh* he will have no difficulty in proceeding to an understanding of other grammatical works including most of the *Mikhlol*, would seem to indicate that he had not yet pre-

pared an edition of the *Mikhlol* similar to that of the *Mahalakh*, or else he surely would have referred to it.

Following his successful publication of the *Mahalakh*, however, he evidently did set himself the task of preparing just such an edition of both parts of the *Mikhlol*. The first part of the work consisted of his textual corrections of the *Mikhlol* supplemented by his refutations of Levita's notes thereon, all inserted in manuscript in a printed edition of that work.¹¹ The second part is represented by Ms. no. 51 of the Rosenthaliana in the University Library of Amsterdam and will now engage our closer attention.¹²

Folio 1a of the ms. comprises Shabbethai's rhymed prose introduction to the text of Levita's notes on Qimḥi's *Shorashim*, accompanied by his own refutations. He defines the two main parts of Qimḥi's work in brief but glowing terms and notes that Levita has provided a commentary on both. Unfortunately the printers have omitted this commentary in the edition of the *Shorashim* on which he is working (and to which the ms. was evidently attached),¹³ and this has necessitated his transcribing a text of the commentary as well as his refutations thereof. He sees his work as a continuation of the earlier support for Qimḥi's views expressed by Solomon ben Melekh, Elisha ben Abraham and, to a small degree, Menaḥem 'Azariah de Fano, against such critics as Profiat Duran and David ben Yahya.¹⁴ He is particularly impressed by the quality of Elisha's contribution¹⁵ and cites short passages from the opening part of the work and from the פלח הרמון of Menaḥem.¹⁶ Shabbethai states that the intention of his own work is to answer all Levita's criticisms and to refute his views with clear proofs, and refers to the first part of his work already completed.¹⁷

11 The existence of these manuscript notes and corrections in a printed edition (Venice 1545?) seems to be indicated by the remarks of Shabbethai cited in notes 17 and 63 (b), below, but the writer has not succeeded in locating the actual volume annotated by him.

12 The writer is grateful to the Universiteits-Bibliotheek van Amsterdam for providing a microfilm of the ms. and granting permission for the reproduction of large parts of the text. See *infra*, n. 71.

13 It appears that he used ed. Venice 1546-8 for the transcription. The practice of adding Levita's notes in manuscript to editions of the *Shorashim* was evidently not uncommon; cf. Zedner, *Catalogue of the Hebrew Books in the Library of the British Museum* (London, 1867), 200, and Roest, *Catalog der Hebraica und Judaica aus der L. Rosenthal'schen Bibliothek* (Amsterdam, 1875), 298.

14 See *supra*, p. 2.

15 Contrast Hirschfeld (*supra*, n. 1), 98.

16 Ed. Venice 1600, 4a.

17 שבת"י אני ונתתי אל לבי. כי הציקתני רוחי בקרבי. להעלות על לבי לזכרון. להשלים ולמלאות החסרון. שחסרו המדפיסים מן ספר השרשים. אשר כל דבריו כולם קדושים... והנה לא נדפסו בדפוס הזה הנימוקים בחלק השני הסתום והעמוק. רק גרשם מקומו ונדפס בגליון

Levita's notes and Shabbethai's attempted refutations follow on folios 1b–16b.¹⁸ These refutations are for the major part quite short although detailed attention is paid to a limited number of roots.¹⁹ Shabbethai generally ignores Levita's comments when they simply adduce additional information, but takes his predecessor firmly to task whenever he expresses disagreement with Qimḥi or wonder at his views. His methods of refutation include the citation of authorities in agreement with Qimḥi,²⁰ the demonstration of various shortcomings on the part of Levita,²¹ and

גימוק. ומוכרח אני להעתיקם מהספר. שנדפסו בו וללקט אותם אחד אחד. ולכתוב אותם כאן בסוף הספר בקונטרס מיוחד... וכן עשיתי גם אני וקנאתי להחכם רד"ק ז"ל ונתתי אל לבי להשיב על כל טענו' הבחור... ולבטל טענותיו בראיות ברורות כי צדקו דברי הרד"ק. והבחור לא דק. והנה בחלק הראשון כתבתי תשובת (?) סתירת דבריו בצד הנימוקים. ובחלק Shabbethai regularly utilizes the word *leḥshav* to indicate his authorship; see *infra*. notes 18, 20(b), 21(e), 22(a), 25(b), 28(d), 38, 43, 52 and 67, and the writer's "Again the Musical Title-Page" in *Studies in Bibliography and Booklore*, X (1971/72), 57–61.

שבתי אני ונתתי אל לבי לחזק ידיים וברכים כושלות שלא יתרפו בפי' הרד"ק 18 ולא יכשלו בפי' בעל הנימוקים כי אחר העיון האמת הוא עם הרד"ק. ובעל הנימוקים לא דק... ולפי דבריו יש הרבה פירושים וזרים בפי' הרד"ק רק שזהו יותר נר ובאמת כל דברי הרד"ק הם ישרים. ודברי בעל הנימוקים הם זרים.

קנה, צלל, פתשגן, נפש, נבל, לאר, יקר, טען, טעה, טהר, אנס, אבל, אבב. Viz. 19 תרץ, תבה, שרץ, שרה, שוט, שבח, רמה, רבב, רגל, ראש.

... כלל העולה אין מקום לבעל הנימוקים להפליג: (אבב. E.g. (a) Ms. f.1b (S.v. כל כך ולהרחיק פירושי של הרד"ק. וחזי מאן גברי רבוותא קא משהידי על פי' הרד"ק והם הרשב"ץ שהיה בשנת קנ"א לאלף הששי. ובעל ספר יאיר נתיב הנקרא קונקדס"יאנץ שהיה בשנת קצ"ח. ומהר"ר שלמה מאורבינא שהוא בעל ספר אוהל מועד שהיה בשנת ר"ם שלשתם קדמו את בעל הנימוקים בזמן שהוא היה בזמן רע"ז כנזכר בספר צמח דוד

שבתי"י להפליא על הרב היכן מצא כלל זה הלא רש"י ורשב"ע: (בהל. Ms. f. 3a (s.v. ורלב"ג מפרשים נבהל להון לשון מהירות...)

ובאמ' דבריו דחוקים כי התרגום ורש"י ורשב"ע כולם כתבו: (בחר. Ms. f. 3a (s.v. כדבר הרד"ק ומי יכריחנו להוציאו ממשוטו

נראה מזה: (אנס. E.g. (a) his lack of talmudic knowledge. Ms. f.2b (s.v. שבעל הנימוקים לא היה בקי בתלמוד (כן העיד הוא על עצמו בהקדמה החרוזית לספר תשבתי...) שהרי מצינו בפרק ב' דשבת דף ל"ג ע"א שאני רבא דאנסי ליה רבנן בעידיניה. שהוא פעל עבר מבנין הקל או הדגש. ובפ' ד' דגיטין דף ל"ד ע"א... ובפרק י' דחולין דף קל"ג ע"א... והרבה כאלה.

(b) his failure to understand Qimḥi's method of presentation, Ms. f.2b (s.v. ובאמת קשה לי על בעל הנימוקים הלא אין דרכו של הרד"ק להביא בשרשים השתנות: (אנץ. ה"א לתי"ו מפני הסמיכות כי סמך על מה שכתב בחלק הראשון באבן שש עשרה...

אולי שכת בעל הנימוקים' שגם הרד"ק כתב: (גור. Ms. f.3b (s.v. בשרש אלם שלא יתחלפו כי אם אותיות אה[ו]י] ומה שכתב הרד"ק אינו מפני חלוק האותיות רק שפירושו כמו כרים.

ומה שכתב כאשר אבאר עוד וכו'. (אבל. Ms. f.2a s.v. (d) his erroneous references, ובנהגיעו לשם לא כתב דבר אולי שכת שם מה שכתב כאן וכבר קרה לו כענין זה בכמה מקומות כאשר כתבתי אצל כל אחד מהם.

שבתי"י אני להפליא על בעל הנימוקים: (שור. Ms. f.15b (s.v. שכתב נראה לי ובספר מתורגמן בשרש שרץ האריך להפליג וכתב שהוא טעות סופר וצריך להיות נחשדכן בדל"ת והוא בעצמו מפרש אותו בשרש שדך נמצא שלא נראה לו פירושו של גימוק זה.

simple disagreement on matters of philology and semantics.²² He applies textual criticism to the work of Qimḥi and Levita,²³ and in one instance attributes the inclusion of a variant vocalization in the biblical text to no more than negligence on the part of the printers and rabbinic authorities.²⁴ In those few cases where he concurs with Levita's views he claims that their source is Qimḥi's work or that there is in fact no contradiction between them,²⁵ and when the opportunity presents itself

22 E.g. (a) Ms. f.5b–6a (s.v. תעה): (טעה תעה) [אשר] הנימוקים על בעל הפליא על שבת"י השכל והחליט כי תעה בתי"ו הוא דוקא מי שטעה בדרך וחולק בזה על הרד"ק שכתב שעניינ[ם] אחד ואיך לא ראה פסוקים שכתוב[ם] בהם תעה בתי"ו על הלב ועל השכל ועל הרוח כמו עם תועי לבב הם (תלי' צ"ה) אדם תועה מדרך השכל (משלי כ"א) וידעו תעי רוח בינה (ישעי' כ"ט) והרבה כאלה אין זה כי אם תעות [טעות] text altered from !תעות [to לב בעל הנימוקים] שכתב בלי עיון כדרכו לחלוק על הרד"ק ובאמת הוא לא דק: Cf. E. Y. Kutscher, *Lešonenu* 31 (1967), 109–111, and J. Goldin, *Lešonenu* 31 (1967), 250.

(b) Ms. f.10ab (s.v. עור): (עור מ"מ) שהוא חסר יו"ד מ"מ: (עור) הוא לשון רבים כמו שהוא עצמו מפרש כל אחד מעור שלנו שפירושו עורות רבים הם דהיינו עור של כל אחד מאותנו וראיה שכתוב אחריו נכמרו שהוא קאי על הרבה עורות. ומחסרון היו"ד אין להביא ראיה כי נמצאות תיבות רבות חסרות יו"ד הרבים כשהענין מובן מהמלה הסמוכה לה כמו שכתב הרב בחלק הראשון באבן י"א שכתב וכן והגיתי בכל פעלך כי מפני מלת בכל ידמה שהוא לשון רבים והביא שם הרבה פסוקי' כאלה חסרי' יו"ד הרבים.

Cf. *Edition etc.* (supra, n. 3), 364, n. 24.

23 E.g. (a) Ms. f.3b (s.v. דלעיל): (בשל) (בשל) דלעיל: (בשל) ומה שהובא ובשלת ואכלת בין הפסוקי' דלעיל: (בשל) שפירושו בשול במים אפשר שהוא טעות המדפיסים כי מי לנו גדול מן הרד"ק בפי' המקרא ואיך יחשוב אדם עליו שיטעה בפי' ובשלת. או אולי היא שגגה שיצאה מלפני השליט ואני מצאתי בשרשי' כתובי' בקלף שהביא פסוק ומזלגותי' (זלג Ms. f.5a (s.v. (שמות כ"ז).

(b) Ms. f.5a (s.v. (שמות כ"ז). לפי דעתי יש כאן טעות סופר בנימוק הזה וצריך להיות: (ירט Ms. f.6b (s.v. וצריך עיון למה לא כתב שרש רטה להביא שם מלת ורטני מאחר שהוא בעצמו כתב בחלק הראשון שרש ירט או שרשו רטה לא כתב כאן לפי דעת היש ואמר' וכן הקשה בעל הנימוקים קושיא זו שרש רטט אולי לא רצה הרד"ק להרבות בשרשים ולכתו' שרש בעבור תיבה אחת אשר אפשר לומר בה שרשרה ירט ושם כתב דעתו שאפשר שרשו רטה.

(d) Ms. f.9a (s.v. וכבר יטן): (כבר יטן) כתב יטן: (כבר יטן) ונשן שהיה כתוב כאן והנפעל.

24 Ms. f.6b (s.v. (יקר): (יקר) ויחמי הדור אינם מדקדקי': (יקר) קושיא זה נופלת על המדפיסי' ויחמי הדור אינם מדקדקי': (יקר) על טעותם ולא ראו שהרד"ק כתב בהקדמת השרשי' שאנחנו סומכי' על קריאת בן אשר וכן כתב בחלק הראשון בכמה מקומות. אבל מ"מ מתוך דברי הרד"ק... נראה שהיה נוטה בדעתו במלה הזאת לקריאת בן נפתלי.

Cf. *Edition* (supra, n. 3), 52.

Cf. also Ms. f.3b (s.v. (גאה): (גאה) אין להקשות על הרד"ק מן המסרה הנמצאת אצלנו: (גאה) בדפוס כי הוא ז"ל טרח לבקש ולחפש ספרים מדוייקי' כמו שהאריך בזה בהקדמתו לספר שרשים הזה...

25 E.g. (a) Ms. f.7b (s.v. (לקח): (לקח) לפי משמעות לשונו הוא מחדש כלל זה ובאמת: (לקח) הם. דברי הרד"ק...

(b) Ms. f.16a (s.v. (שרה): (שרה) אמר שבתי סופר כדברי בעל הנימוקי' כן הוא אע"פ שברוב: (שרה) הספרים שבידינו הם בשי"ן ימנית. טעות המדפיסים הוא. ויש לו ראיה לחזק את דברי בעל הנימוקי' מן המסרה כי על לחמון שרין (דברי' ג' ט') נמסר לית וחסר שפירושו לא נמצאת המלה הזאת עוד בלי וי"ו בראש והיא חסרה וי"ו אחר היו"ד... וכן מצאתי בשלשה חומשים מדוייקים דהיינו בחומש יטן גושן כתוב בקלף. גם בחומש דפוס פראג שהגיה המדקדק הגאון מהר"ר אברהם קרא. גם בחומש קטן עם תרגום שנדפס בווינציה שנת שי"ח בשלשתן נמצא לחמון שרין בשין שמאלית...

he enters one of his favorite fields of study in order to stress the need for the elimination of a popular, but to his mind incorrect, liturgical vocalization.²⁶ Shabbethai was by no means averse to ridiculing his opponents,²⁷ and a number of his comments demonstrate the positive delight he took in making witty but often scathingly uncomplimentary remarks at their expense.²⁸

Folio 17ab contains additional notes by Shabbethai on matters arising from certain comments made by Qimhi in the *Shorashim*. In problems of biblical exegesis he generally expands the discussion by citing the views of a number of other mediaeval Jewish Bible commentators,²⁹ while in one case he notes an alternative interpretation suggested by the talmudic rabbis,³⁰ and in another, proposes an emendation in the text of Rashi's commentary.³¹ He also quotes part of a responsum by R. Isaac

(c) Ms. f.16a (s.v. שחם) והנכון אצלי שדברי בעל הנימוקים אינם כי אם לקנטר: (שחם) כי מי הכריחו להכריע ולומר איזהו נכון יותר הלא דברי הרד"ק ודברי רש"י מתכווני לדעת אחת לפרש מלת שחם ענין פתיחה וכן פירש אותו הראב"ע...

26 Ms. f.15a (s.v. שבח) ובאמת קשה לי על בעל הנימוק' וכי היו דברי ר' יוסף: (שבח) קמחי רק על ושבחך שבקדושה לבד הלא דבריו דברי כלל הם ותחלת דבריו יוכיחו על זה שכתב וז"ל וטעה האומר מן שבח 'שָׁבַחָהּ הַפ"א בשו"א... והאריך בזה בספר הזכרון שער השמות משקל פעל בשני סגולין הראה בזה לכל משכיל להגיה בסדור' בכל מקום שנמצאת המלה הזאת הוא הדין בפרכי אבות ובדברי ההמון בכולם ראוי לקרות כאשר הוא הניקוד ע"פ הדקדוק כי נפל טעות בפי ההמון וראוי להגיה בכל מקום ולהסיר משול

Cf. Shabbethai's "General Introduction," in Berliner's *Abhandlung über den Siddur des Schabtai ha-Sofer aus Przemyśl* (Frankfurt am Main, 1909), p. 36.

27 See *Edition* (supra, n. 3), 50–51, 90–92, 107–8.

28 E.g. (a) Ms. f.2a (s.v. אבל) אין בזה תלונתו על הרד"ק כי אם על ה' ועל תורתו: (אבל) הלא פסוק מלא הוא ויאמרו אבל כבוד זה למצרים...

(b) Ms. f.8b (s.v. מתי) זה ההפרש ידוע אפי' לתנוקות של בית רבן ולא ידעתי: (מתי) מה חידוש חדש בנימוק זה...

(c) Ms. f.8b (s.v. נבל) ראוי להאמין שלא היתה דעתו מיושבת בעת שכתב נימוק: (נבל) זה...

(d) Ms. f.9b (s.v. נפש) שבת"י אני להפליא על דברי הבחור בנימוק זה עד שאם: (נפש) באתי לדינו לכך זכות צריך אני לומר שכתב אותו בבחרותו או בילדותו שהרי במה שנדפס על המלה הזאת בעשרים וארבעה הגדול אשר הוא עצמו הגיה הדפוס הנדפס שנית... נמסר על מלת נפשו שבפסוק אשר לא נשא לשוא נפשו (תל"כ"ד) נפשי קרי...

(e) Ms. f.14a (s.v. ראש) תמהתי הכי קרא שמו בחור שאתו דרך הבחורים לחלוק: (ראש) על האמת בלי עיון

Cf. also Ms. f.5a (s.v. חמס) אולי לא הביא את השם שהוא חמס מפני שהחמס ידוע: (חמס) ומפורסם בכל העולם ואין צריך ראה למפורסמות

29 On the meaning of the words כבדת (Nahmanides, with reference to Gen. 35:16 and 48:7), ישרון (Abraham ibn Ezra and Bahya ben Asher, with reference to Deut. 32:15), לבש (Ibn Ezra, with reference to Ps. 93:1), מלא (Ibn Ezra, with reference to Is. 6:3 and Num. 22:18), נשמה (Solomon ben Melekh, with reference to Gen. 2:7 and 7:22), and נתן (Bahya, with reference to Lev. 1:7 and Is. 37:19).

30 With reference to Qimhi's comment (s.v. עדה) on 2 Kings' 11:12 (2 Chron. 23:11), he cites Bab. Tal. 'Avodah Zarah 44a and Sanhedrin 21b.

31 He compares Rashi's comment on Amos 4:2 with that of Qimhi s.v. לשון משנה and objects to the Rashi text which describes the word דוגית

ben Shesheth which includes an explanation of Qimḥi's remarks on the root שבר,³² and Maimonides' views on the meanings of the word מלא³³ and the root נחר³⁴ and on the Tammuz legend.³⁵

Shabbethai objects to the view of Levita, expressed in a criticism of one of Qimḥi's comments,³⁶ and in more detail in his *Masoreth Ha-Masoreth*³⁷ which postulates a non-Sinaitic origin for the massoretic vowel-points and, in order to defend Qimḥi, cites the whole argument of 'Azariah de Rossi³⁸ against Levita on folios 18a-19a.

As one deeply concerned with the correct pronunciation of liturgical Hebrew, Shabbethai devotes folios 19b-20a to a clarification of the precise sense of the instruction צריך להתייז utilised by David Qimḥi in the *Mikhlol*,³⁹ Jacob ben Asher in his code,⁴⁰ and Jacob D'Illescas in his *אמרי נועם*.⁴¹ He finds the source of the expression in the Palestinian Talmud (*Berakhoth* 4d) with reference to the pronunciation of the words תזכרו and תסדו, and notes that it is cited by Alfasi⁴² and explained by Rashi. What particularly disturbed Shabbethai was that a number of distinguished contemporaries were misinterpreting the word להתייז in the sense of the Judaeo-German "zu drücken" ("to stress") and thereby wrongly pronouncing the words תזכרו and תסדו with *dagesh* and *shewa mobile* in the *zayin* and the *samekh*. Indeed he had been informed by one such contemporary that this very pronunciation had been transmitted to him by his teacher in Germany and that he had instructed *hazzanim* and the public accordingly.⁴³

arguing that it occurs in the Gemara (*Bab. Tal. Baba Bathra* 73a)! Such a limitation of the sense of the phrase לשון משנה is surely unjustified.

32 *Responsa of R. Isaac ben Shesheth* (Constantinople, 1546, unpaginated), n. 431.

33 *Moreh Nevukhim*, 1:19 (Friedländer, 29) cited with the views of Yehiel Ashkenazi, *היכל ה'*, 12a (Venice, 1605? Cf. Steinschneider, *Catalogus Librorum Hebraeorum etc.*, 1273-4, and Zedner [supra, n. 13], 318).

34 *Commentary on the Mishnah*, *Kelim* 2:1.

35 *Moreh Nevukhim* 3:29 (Friedländer, 318-9).

36 *Mikhlol*, ed. Rittenberg (Lyck, 1862), 73a.

37 Ed. C. D. Ginsburg (London, 1867), 44-63 and 102-143. See also the prolegomenon to the reprint (*Ktav*, New York, 1968) by N. H. Snaith, and the review by S. Z. Leiman, *Journal of Biblical Literature* 89 (1970), 477-8.

38 Ed. Zunz (Wilna, 1863), 199-206. See the writer's remarks in the *Journal of Jewish Studies* 20 (1969), 8-9. The essay commences thus: שבת"י אני ונתתי אל לבי לקנא קנאת המדקדק הגדול החכם ר' דוד קמחי ולהגן עליו מטענת הבחור כי הקמחי קמחו סולת. ואין בדבריו פסולת. והבחור טען עליו ... על כן אמרתי להעתיק כאן מה שהשיג על הבחור בעל ספר מאור עינים ...

39 Ed. Rittenberg, 70a.

40 *Tur*, 'Orah Hayyim, section 61.

41 *Commentary on the Pentateuch* (Cracow, 1598), Num. 15:40, 38ab.

42 In this commentary on *Bab. Tal. Berakhoth* 15a.

43 שבת"י אני ונתתי אל לבי לברר פי 'האמתי של מלת להתייז הנזכרת בדברי רז"ל כי ושמעתי רבים טועי' בפי' המלה הזאת כמו שאכתוב בסמוך ... ושמעתי מורגל בפי רוב

On the basis of mishnaic and biblical passages,⁴⁴ Shabbethai demonstrates that the basic sense of the word להתיז is "to cut away, to chop off," equivalent to the German "zu verschneiden." He goes on to argue that the sense of the word with reference to the pronunciation of the words תזכרו and חסדו is "to articulate, to pronounce distinctly,"⁴⁵ and that it corresponds to the word לחתך used in the Babylonian Talmud and the codes to describe just such a pronunciation.⁴⁶

According to Shabbethai, the first reason given by Jacob D'Illescas for such a careful pronunciation of חסדו makes sense only if the text of his remarks is emended from דלא לישתמע חסדו to דלא לישתמע חתידו. The objection would then be to those who do not distinguish between *samekh* and *thaw* and thereby pronounce the first part of the word as if it were from the root חתת meaning "to break."⁴⁷ The second reason which he offers is based on Qimḥi's objection to a pronunciation which is audible as חזוד. Since the word דו means "two" in Greek, חתדו would mean "he has broken two," and חזוד "he has seen two." Shabbethai concludes that the correct pronunciation of the word demands that the letters be pronounced distinctly but with no *dagesh* and with a *shewa quiescens*, as explained in detail by Qimḥi.⁴⁸

Shabbethai's extensive and scientific study of Hebrew vocalization made him aware of a number of non-standard forms, among them traditional Sefardi variants.⁴⁹ It is against one of these, namely, the vocal-

גדולי בני דורינו שמפרשי' להתז צ"ו דרוק". ופירושו זה גורם לטעויות רבות כי שמעתי רבים קורין ז"ן של תזכרו דגושה ובשב"א נע ולפי קריאתם המוטעה היה להם לקרות הכ"ף של תזכרו רפה כדון אותיות בג"ד כפ"ת אחר שב"א נע. גם שמעתי מפי אחד מגדולי דורינו שהגיד לי שקבל מרבו באשכנז לקרוא סמ"ך [של] חסדו דגושה ובשב"א נע ועל פי רבו הורה הוא כן לרבים ולחזני קהלתו.

44 Hullin 2:3 and Is. 18:5.

45 Compare the English "clearcut."

46 Berakhoth 31a; *Tur*, 'Orah Hayyim, section 101; *Shulḥan 'Arukh*, 'Orah Hayyim, section 101, para. 33.

47 He cites Immanuel ben Yekuthiel in *לויית חן* (Mantua, 1557), end of 5b.

48 והנה חשבו מתוך פירושם שמת' התז פירושה דוחק שפירושו בל"א דרוק"ן ולא ראה סיפא דמשנה... ולשון פסוק ממש הוא... ומכל זה מוכח שפ"י התז הוא ענין כריחה וחתך בל"א צו פרשניד"ן... והכלל העולה הוא שכוונת רז"ל בירושלמי באמרם להתז ר"ל לחתך ולהוציא הו"ן של תזכרו וסמ"ך של חסדו ממוצאן... וכוונת הרב בעל אמרי נועם באמרו שלכך צריך להתז סמ"ך של חסדו כי היכי דלא לישתמע חסדו כו' נראה לי שיש כאן טעות סופר וצריך להיות דלא לשתמע חת—דו כי חת בת"י הוא ענין שברון... ויש הרבה בני אדם שאינם מבדילי' בקריאה בין סמ"ך לת"י רפה... ועל זה הזהיר הרב לדקדק בהוצאת הסמ"ך ממוצאה שהוא מוצא השניים שלא ישתמע ת"י שהוא מוצא הלשון. ואח"כ הביא דעת הרד"ק אי נמי דלא לימא חזוד. ומ"ש גם במוצא השניים עצמו ידקדק בכל אות כי הו"ן גם היא ממוצא השניים. ומ"ש ומשמע שתי רשויות קאי על טעם השני כי דו היא מלה יוונית פ"י שנים. ואם יאמר חת דו יהיה פירושו שיבר שנים ואם יקרא חזוד יהיה פירושו ראה שנים...

49 E.g. נָכַר, וּבִמָּה, and זָד. Cf. H. Yalon, *מבוא לניקוד המשנה* (Jerusalem, 1964), 13–15, 20, 50–51, 111–2, 214, and *Edition* (supra, n. 3), 39 and 48 and notes 178, 182, 201 and 1006 on the Hebrew commentary.

ization of the concluding phrase of the benediction for wine as בורא פרי הגפן,⁵⁰ that his next essay is directed.

He once again takes his cue from the remarks of David Qimḥi,⁵¹ arguing that the latter includes the word גפן among regular segolates the pausal forms of which take *qameṣ* in the first syllable, and claiming on the basis of a talmudic passage that such rules of vocalization are "a law of Moses from Sinai."⁵²

We have already noted that Shabbethai's whole approach is inspired by a desire to accept only standard biblical Hebrew vocalization in the liturgy. He now asserts that those who instituted the prayers always followed this vocalization, adopting pausal forms when required in the liturgical context even when the word in the original verse was not pausal, and ignoring the exceptions which do occur in the *massora*. Since the word גפן occurs in the Bible in the pausal form with *qameṣ*, Shabbethai dismisses the alternative vocalization with *segol* as erroneous and declares that those who adopt such a vocalization are violating rabbinic tradition.⁵³

The next part of the essay is intended to forestall the possible argument that liturgical vocalization need not correspond entirely with its standard biblical counterpart. Shabbethai cites the view expressed by David Qimḥi and Joseph Karo⁵⁴ that the care taken in the articulation of every word of the *Shema* prayer must be followed in the recitation of all prayers. He regards this view as support for his assertion that

50 This vocalization is standard in Sefardi prayer-books of the sixteenth and seventeenth centuries, e.g. eds. Ferrara 1554, Venice 1546 and Venice 1581, and is still widely used.

51 *Mikhlol*, ed. Rittenberg, 149b-150b.

52 ... והשוני הזה שנשתנה הסגול לקמ"ץ באתחתא וסוף פסוק היא הלכה למשה מסיני. ונקרא בדברי רז"ל מקרא סופרי' כדאיתא בפרק ד' דנדרים (דף ל"ז ע"ב) ... הנה הביאו רז"ל שמות שישתנה בהם הסגול והפתח לקמ"ץ בהפסק. ואשר לא ישתנה בהפסק מסגול לקמ"ץ הוא ע"פ המסרה שהיא ג"כ הלכה למשה מסיני ...

53 ומאחר שמצאנו שקדמונינו ז"ל מתקני הברכו' והתפלות הלכו תמיד בדרך לשון הפסוק ... שכאשר בא להם שם מן השמות של שני סגולין במקום הפסק נקדו קמ"ץ במקום הסגול הראשון כגון בברכת שחרית שלא עשני עבד. אשר הכין מצעדי גבר. אע"פ שבפסוק אשר על שמו נתייסדה ברכה זו נקדה הגימ"ל של גבר בסגול ... הנה מפני שבכאן הוא סוף הברכה נקדו הגימ"ל בקמ"ץ וכן ... וצדקתך עד אפסי ארץ ... ונקדו בברכת על גטילת ידים הדלת בקמ"ץ ... וכן למ"ד של הבהחין בין יום ובין לילה. ובברכת אתה חונן ... חתמו חונן הדעת ... והרבה כאלה. ומאחר שבכל המקרא שם גפן הגימ"ל בקמ"ץ כשבאה בהפסק כנוכח יש לנו לומר שנפל טעות בפה האומר בורא פרי הגפן הגימ"ל בסגול כי צריך לקרותה בקמ"ץ מפני ההפסק על פי הכללים שכתבתי וכל המשנה עובר על קבלת קדמונינו ז"ל שסמכו על קבלת הלכה למשה מסיני כנוכח. ודי בזה למבין המודה על האמת

54 *Mikhlol*, ed. Rittenberg, 72b; *Tur*, 'Orah Hayyim, section 61 and *Beth Yosef* thereon, also citing Abudraham. Cf. Shabbethai's remarks in his *General Introduction*, ed. Berliner (supra, n. 26), 5, and *Edition* (supra, n. 3), 81.

since our prayers include many biblical passages no distinction can be made between biblical and liturgical vocalization.⁵⁵

Having expressed his disapproval of paitanic Hebrew by reference to the well-known comments of Abraham ibn Ezra⁵⁶ and David Qimḥi⁵⁷ and unspecified kabbalistic works on the subject, Shabbethai declares his reluctance to prolong the discussion further since a minority of his proofs will satisfy the reader who acknowledges the truth while even a hundred or a thousand proofs will not suffice to change the mind of one who has habitually followed the erroneous vocalization from his youth. He cites a passage from the liturgical commentary of Solomon Luria which condemns such obstinacy,⁵⁸ refers to the analogous phrase המוציא לחם מן הארץ as a final argument in favor of his view, and concludes with a typically uncomplimentary remark for anyone who contradicts him.⁵⁹

On folios 20b–24b Shabbethai reverts his attention to the *Mikhlol* and provides some seventy grammatical comments which he entitles כתבים פירושים וחיידושים השייכים לספר המכלול and most of which are of a highly technical nature. These are apparently the additional explanatory notes referred to in his introduction to the *Mahalakh* and are not to be confused with either the בחורי חמד or with his textual corrections and defense of Qimḥi's *Mikhlol* against the strictures of Levita, although six of them do refer directly to Levita's comments and attempt to refute them.⁶⁰

Other noteworthy comments include references to massoretic problems,⁶¹ Shabbethai's support for Qimḥi against the views of his

ואפשר כי טעם שהלכו מתקני הברכות והתפלות אחר לשון הפסוק בענייני' כאלה 55 מפני שלשון מקרא סופרי' הנזכר בגמרא כולל כל קריאה בין בתורה בין בתפלה כי גם התפלה היא מן התורה כדאיתא בבבא קמא פרק ח' דף צ"ב ע"ב ובבבא מציעא פרק ט' דף ק"ז ע"ב.

56 In his commentary on Eccl. 5:1.

57 *Sefer Ha-Shorashim*, s.v. עתר.

58 He cites the same passage in his liturgical commentary (London Beth Din Ms. no. 37, f.58b; cf. *Edition* [Supra, n. 3], 281) but with a few minor textual variations.

59 ולא רציתי להאריך בהם כי למודה על האמת מספיק המעט מן הראיות ולבילתי מודה בה לא יספיקו ולא יועילו אפי' מאה ואלף ראיות ולא ישוב מן הקריאה המשובשת שהורגל בה מנעוריו כמו שכתב הגאון מהרש"ל בסדורו בפ' ברכה מעין שבע אחר שכתב דקדוק מלת מדושני עונג כתב וז"ל ואעפ"כ שמעתי מן הבוערי' בעם המתגאים ומתביישי' לחזור מטעוהם שאחזו ועשו מנעוריהם ואמרו כן וכן עשו וודו במזיד בהרבה מלין אע"פ שימצאו ויראו בספרי' מדוייקים אינם שבים שנ' כסיל שונה באיולתו עכ"ל. ואין לפקפק על מה שכתבתי כי ברכת המוציא לחם מן הארץ תוכיח כי הארץ הוא על משקל הגפן... וזה מבואר למשכיל ולא יכחישני כי אם עם הארץ שהוא כבהמה ולא אכל מעבור הארץ.

60 He follows the pagination of ed. Venice, 1545 and refutes the comments of Levita printed on pp. 3a, 19b, 25a, 27a, 36a and 47a of that edition (Ms, folios 20b, 22b, 23a and 23b).

61 He explains Qimḥi's reference to a "Ben Naftali" vocalization of the word וַחֲצִית (ed. 1545, 3b; Ms. f.21a). and discusses the differing views of Qimḥi

father,⁶² and postulation of emendations in *Mikhlol*.⁶³ Also to be found here are an actual admission that Qimḥi has erred,⁶⁴ the use of Judaeo-German for the clarification of a grammatical point⁶⁵ and a discussion of the sense of the word סוד in a grammatical context.⁶⁶ He devotes one long note to a discussion of the vocalization of the word ממנו rejecting both the vocalizations which attempted to distinguish the third person singular from the first person plural, viz. ממנו and ממנו. He of course consistently refused to acknowledge the valid existence of such variant forms of vocalization and in this case attempts to explain away the well-known passage in the Babylonian Talmud 'Arakhin 15a (Soṭah 35a and Menahoth 53b) by ascribing to the expression אל תקרי the sense of "do not explain" and claiming support for such an interpretation from a passage in Sifre.⁶⁷

(ed. cit., 29a), Ibn Ezra (*Ṣaḥoth*, Venice 1546, 138a) and Abraham ben Me'ir de Balmes (מקנה אברים, Venice 1523, section 3) on the pronunciation of a final guttural with *ṭataḥ* (Ms. f.23a and 24b).

62 On Qimḥi's remark in ed. cit. 7d he comments (Ms. f.21b): ובאמת יפה כח הבן מכה האב ותשובתו שהשיב הרב בכאן על אביו בענין הקיץ מספקת גם על מה שהשיג על האומרים המשיח וכו'.

63 (a) On *Mikhlol*, ed. cit., 48d, he comments (Ms., f.23b): אפשר שהשמיט הסופר כאן תיבות הבאות בחיר"ק שהוא תנועה גדולה וחסרים יו"ד על פי המסרה כמו ויָטְבוּ. ויָקְאוּ.

(b) On *Mikhlol*, ed. cit., 52c, he comments (Ms. f.24a): אבל אין כאן מקומו: והוא שייך לקמן דף ס"ג ע"ג במשקל פֻּעַ על מלת שֵׁם בסגול כמו שכתב בעל הנימוקי. והדפיסוהו פה בעבור הנימוק להורות על טעות המכלול שהיה לפני המדפיס והוא המכלול דפוס קוסטנטינא שנדפס רפ"ה ליצירה. ובהגיעו לידי מצאתי בו הטעות כמו שנדפס פה. ובאמת הכימין אינו במלואו וחסר ב' תיבות ובמקומו אכתוב אותו על נכון.

64 On *Mikhlol*, ed. cit., 5c (Ms. f.21b): הנה הביא הרב מלת שנת בין הבאים: שלא בסמיכות בתי"ו והאות שלפניה בפת"ח. גם לקמן בשער השמות דף נ"ט ע"ג משקל עֶלְהָ כתב בהדיא שהנו"ן בפת"ח אולי שגגה היא שיצאה מלפני השליט שהרי בהדיא כתב הראב"ע בספר קהלת סי' ה' פסוק מתוקה שנת העובד... והמגיה רצה לישב את דברי הרב בהגהתו בדף ג"ט ודחק עצמו לחלק דבריו... והעיקר הוא כמו שכתבתי שהרב שגג ואולי מצא אותו כן בספר שמעך עליי.

65 In his comments on ed. cit. 5d (Ms. f.21b): וההבדל שיש בין המקור ובין שם התאר בל"א הוא זה כי מלת וְגַדַּל אם היא מקור פירושה בל"א אונגְרִיס"ן ואם היא תאר פירושה בל"א אונגְדַּל און איין גִּיגְרִיסְטֶר (Sic) כמו חפץ שהוא שם תאר שפירושו בל"א איין ביגער"ר.

Cf. *Edition* (supra, n. 3), 49.

66 With reference to ed. cit., 14a, he cites (Ms. f.22b) the views of Ibn Ezra (*Moznayim*, Venice 1546, 208b), Baḥya ben Asher on the verse הליי ועל דרך הקבלה כתב לי המקובל האלדי הגאון החסיד מהר"ר מנחם עזרי' הנקרא עמנואל וז"ל עוד כתוב במכלול שהה"א רבתי דהלה' תגמלו זאת נכתבת לבדה והסוד להורות על בונה אם הבנים והלמ"ד שו"א התחלת תיבה והיא היתה ראויה להנקד פת"ח להורות סימן הידיעה כאלו אמר לה' הידוע כי הוא לבדו מרום וקדוש כמו שהוא בנקוד אך בה' אל תמרו. ולפי שאי אפשר לנו להשיב סוף הגמול האחרון הואיל ועל שכנגדו כתוב תגמלו זאת באה הלמ"ד בנקוד שו"א לחסרון הידיעה עכ"ל.

67 With reference to ed. cit., 68c, his comment commences (Ms. f.23ab): שבתי לברר טעות ההמון הקוראי בנסתר ממנו הנו"ן בחול"ם ודברי הרד"ק בכאן מכחישים

As is the case with a number of his literary efforts, the manuscript was never published. At some stage in the seventeenth century it was detached from the printed edition of the *Shorashim* to which Shabbethai had originally appended it and eventually found its way into the library of Sebastian Edzardi in Hamburg.⁶⁸ Its presence there was noted by the famous Christian bibliographer of Hebraica, Johann Christoph Wolf, who made due reference to it in his magnum opus.⁶⁹

The manuscript evidently remained in Germany during the eighteenth century and was ultimately acquired by the talmudist and bibliophile, Eliezer "Leser" Rosenthal of Hanover. Following the latter's death in 1868, his library was presented to the city of Amsterdam by his son Baron George⁷⁰ and the manuscript, duly catalogued by M. Roest,⁷¹ has since then remained in the Bibliotheca Rosenthaliana of the University Library of Amsterdam.

As far as the writer is aware, the description of the contents of the ms. provided above is the first accurate and detailed information to be published. Wolf quite rightly distinguishes the *בחורי חמד* from the Amsterdam ms. but errs in his description of the latter. He claims that the first sixteen pages contain Shabbethai's refutations of Levita's notes on the *Mikhlol*, and the following seven his defense of Qimḥi's *Shorashim* against Levita's strictures. The error seems to have arisen out of a misunderstanding of Shabbethai's statement on the first page of the ms. to the effect that in the first part he has dealt with the *Mikhlol* and in the second he will proceed to the *Shorashim*. By the first part he means a printed edition of the first part of the *Mikhlol* which he had corrected, and not the ms. itself which was attached to a printed edition of the *Shorashim*. As we have shown above the two passages cited by Wolf

קריאתם. אולי הטעה אות' לשון הגמרא ולא ראו פירושו של רש"י דאמרינן בסוטה פרק ו' דף ל"ה ע"א...

We are now in a position to trace and identify such variant vocalizations but the mediaeval Ashkenazi scholars were at some pains to explain their existence. See Rashi on Bab. Tal. Šotah 35a; Tosafot on Bab. Tal. 'Arakhin 15b; Ibn Ezra on Ex. 1:9 and Gen. 3:22; *'Arukh Completum* (ed. Kohut, Vienna 1878, etc.) 2, 140-1; N. Berggrün, *Lešonenu* 28 (1963), 40-43; and *Edition* (supra, n. 3), p. 214, n. 362.

68 Was he a son of the apostate Georgius Eliezer Edzardi? Cf. Steinschneider (supra, n. 33), col. 903.

69 *Bibliotheca Hebraea*, 1 (Hamburg and Leipzig 1715-33), 1027.

70 M. Roest, *Catalog der Hebraica etc.* (supra, n. 13), Vorwort, iii.

71 *Catalog* (supra, n. 13), 2, 1177. Dr. L. Fuks of the Bibliotheca Rosenthaliana was kind enough to answer an enquiry regarding the pre-Rosenthalian history of the manuscript and to inform the writer (private communication, March 22, 1971) that since Rosenthal bought his mss. from booksellers and not from public auctions, the history of most of these is obscure, and that in this case there are no relevant ownership inscriptions or marks, or any clues to its former history.

introduce the refutations of Levita's notes on the *Shorashim*, and Shabbethai's transcription of de Rossi's essay on the origin of the vowel-points respectively.

Later bibliographers such as G. B. de Rossi⁷² and Julius Fürst⁷³ erred further by identifying the *בחורי חמד* which, as we have noted, was based on Shabbethai's early notes on the *Mikhlol*, as part of his defense of Qimḥi's *Mikhlol* against the criticisms of Levita which, we have postulated, only existed in the form of manuscript annotations to a printed edition of that work.

Even M. Roest, with the ms. before him, failed to provide an accurate description of the contents of the last seven pages. Misled by earlier bibliographers into believing that the ms. contained Shabbethai's defense of Qimḥi's *Mikhlol* against Levita, he correctly identified the first part as a commentary on the *Shorashim* and consequently assumed that the remainder consisted of the defense of the *Mikhlol*.⁷⁴

David Kaufmann's account of how Shabbethai's original work on the *Mikhlol* came into the hands of Altschul does not correspond with the details provided above on the basis of Shabbethai's own remarks in the introduction to the *Mahalakh* and therefore requires correction. There seems to be no foundation whatsoever for his assertion that Shabbethai brought the work to Me'ir ben Ḥayyim in Prague and that after he had permitted Me'ir to transcribe it, it came into Altschul's hands.⁷⁵

In a short article on Shabbethai, Neubauer does no more than refer the reader to Roest's Catalogue for details of Shabbethai's "Noten zum David Kamchi."⁷⁶ Berliner, who published a booklet containing an introduction to Shabbethai's Prayer-Book and the Hebrew text of his *General Introduction*, was aware of the inaccuracies which had been circulated on the whole subject, and limited his discussion of Shabbethai's work on the Qimḥi brothers to a few references to his introduction to the *Mahalakh*. He expressed the intention of dealing with this introduction at greater length in a future paper but never realized the ambition.⁷⁷

72 *Dizionario storico degli autori Ebrei e delle loro opere* (Parma, 1802), 114.

73 *Bibliotheca Judaica* (Leipzig, 1849), 3, 120. Cf. Steinschneider (supra, n. 33), col. 2243.

74 See supra, n. 71. This inaccurate description of the contents of the manuscript is followed by N. Allony and E. Kupfer in *רשימת תצלומי כתבי יד העבריים במכון* 2 (Rubin Mass, Jerusalem 1964), 53, entry no. 528b.

75 "לתולדות ר' שבתאי," *Ha-Asif* 5 (1889), 125. Contrast the accuracy of Steinschneider (supra, n. 33), 1290-1.

76 "Der Siddur von Schabbetai Sofer aus Przemyśl," *Letterboode* 11 (1885-6), 5.

77 *Abhandlung* (see supra, n. 26), VI, VII, XVII and XVIII, n. 1.

After Berliner's demise, Shabbethai's work relapsed into obscurity until the writer gave it his attention in a dissertation completed in 1969 and in subsequent articles;⁷⁸ but even in those researches no more than a passing mention was made of the Amsterdam ms.⁷⁹

The tendency of recent studies in the history of Hebrew vocalization has been to raise the status of "non-standard" variants and to trace in them remnants of valid and traditional systems which once existed side by side with what was later accepted as the norm. Although the efforts of Shabbethai and those of a like mind are therefore viewed by modern scholars essentially as an artificial exercise attempting to harmonize these variations with what they erroneously regarded as the *only* authoritative *massorah*, their work has acquired a new interest and relevance as a source of information about those very vocalizations against which they were polemicizing. It is the writer's hope that with the above introduction to another of Shabbethai's unpublished works he has succeeded in shedding more light on the activities of Shabbethai b. Isaac (ha-)Sofer of Przemyśl and his place in the history of Hebrew philology.

78 See *supra*, notes 3 and 17, and "A Note on גער," *Vetus Testamentum* 21 (1971), 241-4.

79 *Edition* (*supra*, n. 3), 19 and 24, n. 90 where the writer followed earlier scholars in failing to distinguish clearly between Shabbethai's original notes, plagiarized by Altschul, and those included in the Amsterdam ms.; see the *Journal of Jewish Studies* 20 (1969), 10, n. 25.

BERSHADSKI'S *BE'EN MATARAH*

(Without a Goal)

A Study in Late Nineteenth Century Characterization

WILLIAM CUTTER

Hebrew Union College—Jewish Institute of Religion, Los Angeles

With the renewed interest in some writers of the first part of the present century, such writers as Bershadski (1871–1910) merit a reappraisal, and the appearance of the “Dorot” edition of *Be'en Matarah* makes the novel accessible.¹ Dan Meron has already noted that its protagonist, Adamowitz, was one of the first clear examples of the uprooted intellectual,² but not enough attention has been paid to those technical features of the work related to characterization.³ Though *Be'en Matarah* is constructed around a variety of “stock” characters, the use of these stock types in the creation of the protagonist is especially telling.

The “stock” characters and the “stock” situations of *Be'en Matarah* result in a plot whose outlines are predictably conventional. A young teacher, Boris Moiseyevitch (known only as Adamowitz throughout the novel), lives in a moderately large Eastern European city with a sizable Jewish population. He is a bachelor with no links to his family, and earns his living from part-time tutoring. The main issues of the society in which he functions revolve, as far as the reader knows, exclusively around the revival of the Hebrew language and the preservation of middle class social convention (though a trend towards feminine self-consciousness can be discerned). The primary activities of the novel's characters consist of different forms of socializing, and the establishing of structures to actualize the emerging feelings of Jewish national interest.

Adamowitz is, as the title suggests, without goals in life, and is de-

¹ *Be'en Matarah*, ed. by Josef Ewen (Tel Aviv: Dorot, 1970).

² Dan Maron, “haSifrut ha'Ivrit bereshit hame'ah ha'esrim,” *Me'asef*, II (1961).

³ Among the most important contributions of Simon Halkin were his lectures at the Hebrew University, in which he created a taxonomy of the *talush*, one of the major character types in late Nineteenth and early Twentieth Century Hebrew literature. The *talush* can be loosely described as the uprooted intellectual, and occasionally the underground man so common to European literature of that period and in one form or another re-emerging in a variety of Western literatures. Although his perspectives on the *talush* are by no means exhaustive, Halkin's work represented a necessary first step in understanding this type. The “taxonomy” remains the most thorough we have. See: Simon Halkin, *Mavo lasiporet ha'Ivrit*, ed. Tsofiyah Hillel (Jerusalem, 1958).

tached from the central concerns and activities of his community. As a part-time teacher, he is a perfect symbol for disengagement and non-commitment. A love affair between him and Bertha Marantz is complicated by the inability of either of them to profess their feelings, and by the fact that Adamowitz's best (and almost only) male friend, Wilenski, is also in love with Bertha. Adamowitz is obviously at home in the world of sexual liaisons, and has two such affairs within the story. In typical Nineteenth Century fashion, each of these affairs seems to be sordid. The one, with Raisa Lichtenstein, the daughter of the gentlemanly tavern owner, results in a melodramatic pregnancy; and the other is with Miriam Shulbaum, who though free spirited, is married and at least formally taboo to others. Each relationship allows the reader to experience a "Victorian" reaction of judgment to the protagonist, and yet precisely these two relationships become vehicles for complicating the reader's perceptions of the character.

The parallel sub-plots to the story are not fully developed. Most of the important secondary characters have a story to tell, and in some instances these stories reflect on the central plot. The central plot, however, really dominates the story, since it serves to give the reader exposure to the way in which each secondary character relates to the protagonist. The structure of the novel depends upon these relationships.

The bulk of the novel's action is not plot at all, but rather, a detailing of the activities of this middle class group of Jews, and their social intricacies. Small talk between husbands and wives and among friends, visits to Lichtenstein's tavern, and card games really constitute the day to day activity of the novel's characters, while the social causes of the revitalization of Hebrew, both through political organization and Wilenski's new school, represent the substantial activity of the people whom we come to know. All of these events serve significant novelistic purposes, the opportunity for nearly every character to develop and discuss an attitude towards Adamowitz. He is cut off from every level of involvement within the novel, equally uninterested in the trivial activities of the card games and apathetic about the serious political and intellectual considerations of the time.

Adamowitz escapes the problems of the pregnant Raisa while remaining an enigmatic figure to the people surrounding him. His love affair with Bertha is unfulfilled, and the end of the novel finds Adamowitz's life unchanged. The melodramatic conclusion assigns him to a "goal-less" life and would seem to judge him from some lofty moral plane. And yet it is precisely in this regard that Bershadski took a pedestrian idea, with an obviously pedestrian structure, and created a more complicated novel than one might expect from the outlines of its plot.

A careful analysis of the development of Adamowitz suggests that Bershadski had some influence on those writers of longer prose works

who succeeded him and who placed "up-rooted" protagonists at the center of the works. Brenner, in 1909, discussed the importance of Adamowitz as representative of an "intelligent" who captured the essence of a type with which Gnessin, Shofman, Nomberg, and Brenner himself experimented.⁴

It is my contention that *Be'en Matarah* was the first Hebrew prose work whose protagonist as "talush" (an uprooted figure) required the dimensions of the novel, and that Bershadski understood these demands. My study implies further that the "talush" is an appropriate type for the rich social milieu and specific physical setting upon which early efforts at the Hebrew novel were bound to depend.

This study relies to a large extent on some of the insights afforded by those critics who have combined aesthetic and social concerns of their criticism: Ian Watt,⁵ Lionel Trilling,⁶ and William Harvey.⁷ The categories I employ here were inspired by their various approaches. I examine the development of Adamowitz from four major points of view: 1) straight physical description and physical mannerism; 2) the relationship of the past to his development as a person and as a literary figure; 3) the effect of physical setting on the development of the character; 4) the interaction of the secondary characters and the narrator with the protagonist. My discussion of the narrator's relationship to the material is guided in some measure by Wayne Booth's *Rhetoric of Fiction*,⁸ though the issue becomes complicated by some of the stylistic weaknesses in Bershadski's writing.

PHYSICAL DESCRIPTION AND MANNERISMS

Bershadski's narrator remains at some distance from his character in a style which lends itself well to formal discursive description such as we find on the very first page of the novel. We meet a young man:

... about twenty-five years old ... He was straight backed, and of average height. His hair, curled a bit on his brow, was black like his wide handlebar mustache, his dark face was slightly consump-

⁴ "If we wish therefore to hear a definite sentence, objectively, about our 'intelligent,' if we seek a precise and logical description of his emptiness or the lack of content in his life, or about the unacceptable deeds of his life which he does because of this, or the obvious difficulty which he experiences, we must turn to Bershadski's *Be'en Matarah*." (Mehirhure Sofer, "Revivim," vol. 2 (1909) in *Works*, II, p. 244). Here I would note that for purposes of this study, the technical differences between a *talush*, a *deraciné*, an "intelligent," an "uprooted intellectual," or even a *narodnik* are not substantial.

⁵ Ian Watt, *The Rise of the Novel* (Berkeley, 1967).

⁶ Lionel Trilling, "Manners, Morals, and the Novel," in *The Liberal Imagination* (New York, 1950), first published in *The Kenyon Review* (Winter, 1948).

⁷ W. J. Harvey, *Character and the Novel* (Ithaca, 1965).

⁸ Wayne Booth, *Rhetoric of Fiction* (Chicago, 1961).

tive, his eyes were large and a dusky brown with a kind of wet brightness, his chin and full cheeks were cleanly shaven, and on his somewhat long hooked nose he wore gold-rimmed glasses. His clothes were clean and in good taste (p. 27 of the Dorot Hebrew edition; the translations from *Be'en Matarah* are my own).

This immediate physical picture of Adamowitz is given more than purely physical relevance just a few pages later when he is rejected for a teaching job by the Zeldin family:

He didn't become a teacher just yesterday, and he didn't deceive himself for a moment about the real meaning of the Zeldin's promise. He understood well the reason for the grandfather's opposition: his shaven beard, and his appearance in general, in which nothing was reminiscent of piety, were not a very good recommendation for a Hebrew teacher, especially in the eyes of one of the older generation (p. 33).

This passage continues to link the "external" appearance of Adamowitz with his "inner qualities," especially those which should have disqualified him as a teacher.

The relationship of external appearance and internal reality plays a considerable role in the novel, as we shall see. Bershadski's descriptions are often tedious and uneconomical, but, whether by intention or not, his inclination to physical description serves a definite purpose.

Initial physical descriptions are rendered in photographic style, or as if a stage setting were in the narrator's mind. Bershadski's realistic detail is deliberate and, although tedious, it is essential for the reader's perception of the protagonist.

Bershadski goes to great lengths to establish a basic ennui in his character through frequent references to his restlessness and dissatisfaction with whatever surrounding he finds himself in. He may occasionally bore the reader. The phrase "*Be'en Matarah*" (aimless or without a goal) is used to describe Adamowitz metonymically as late as the 25th chapter (p. 204), and from the earliest point in the plot we see Adamowitz mechanically walking toward his apartment while wondering what he will do there (p. 34).⁹ It seems, indeed, that this ennui, and its accompanying casual need for diversion are responsible for his seduction of Raisa Lichtenstein.

Adamowitz's style of speech is consistent with this portrait of the aloof and restless intellectual. The narrator tells the reader that Adamowitz rarely became hotly engaged in argument, and when he did, he would approach his opponent as if he were a butterfly about to be

⁹ And see pp. 88 and 137, *passim*.

trapped (p. 47). The pursuit of Raisa is very much like the narrator's description of the protagonist's style of attack.

These three features, then, his physical appearance, his personal habits, and his manner of talking render a fairly detailed portrait of the protagonist. He emerges as a tangible character because we have physical details which at times are photographic and which at other times represent him metonymically, and because of the physical detail of his milieu even when it does not relate to him specifically.

Ian Watt concentrates on the importance of the name of a character in the emerging realism of the novel.¹⁰ Bershadski has created a character whose name is important for its very lack of meaning. It retains a sense of abstraction since Adamowitz's full name, Boris Moiseyivitch, is used only twice, and since most of the other characters have adopted conventional European names such as Sonia Landman, Bertha Marantz, and Shlomo Lichtenstein. These first and last names contrast with "Adamowitz" which suggests the *narodnik* as well as a kind of aloofness which suits him.

THE PAST

In a conversation near the middle of the novel, Shmuel Eisenstadt acknowledges to Anna Borochowitz that his tolerance of Adamowitz emerges from his understanding of the protagonist's past. In so doing he joins the narrator in the somewhat naive view that the past explains and sometimes justifies a person's behavior in the present.

The following conversation takes place in the context of criticism of Adamowitz's cynical and supercilious posture. Both Anna and Eisenstadt express the narrator's sensitivity about the importance of a character's biography:

Anna: "In general, I recognize in you a special inclination towards this man, which accounts for your opinion and a softening of attitude. It could very well be that the reason for this inclination is in some well known impressions from the distant past, from the days when you lived together—you and he—in the city where you were born" (p. 132).

Eisenstadt responds to Anna in the affirmative, and relates the history of Adamowitz's life in a lengthy discourse which describes Adamowitz as a one time "Wunderkind," who did not fulfill people's hope for him due to complicating family factors (p. 132).

The passage adds information about the past, and it expresses what I believe to be the attitude of the author and his narrator that a cha-

¹⁰ Ian Watt, *The Rise of the Novel*, p. 15.

racter's personal history is basic to the reader's understanding of him. Each one of the elements in this rendition of the past has bearing on the traits of the protagonist as we know him in the present. The discussion "relative to Adamowitz's family" is amplified in another scene later in the novel (Chap. 26).

As I shall illustrate below, Eisenstadt tends to attract the reader's sympathy in the same way that he attracts the sympathy of other characters in the novel. The affection which he holds draws the reader to identify with his point of view. The earlier familiarity authenticates the portrait and it gives concrete expression to the implied failures of Adamowitz's life, and thus helps to achieve a balance in characterization. Disappointments mean that there were expectations, and one can now view Adamowitz as a mature man whose growth from childhood to adulthood, and from innocence to experience is bound up in the expectations and disappointments of others. Disappointment seems, in addition, to be bound up in the ambivalent feelings of the author/narrator.

Eisenstadt's response to Anna's displeasure makes him the advocate for Adamowitz and for the narrator's attitude about the importance of the past, an attitude reflected in his treatment of Anna, Israel Borocho-witz, and Wilenski.

This naive point of view—that to understand the past is to forgive the present—is consistent with the naturalism prevalent in late nineteenth century thought,¹¹ and with what was to become a naive commitment to and possibly a misunderstanding of Freudian thought. It is most fully represented in a key chapter late in the novel where the author/narrator devotes pages to a description of Adamowitz's past told in pseudo-autobiographical form. In Chapter 25 Adamowitz meets up with Bertha on one of his many walks "without a goal." The conversation on this walk reveals his love for Bertha, his occasional high aspirations (thus joining him to Eisenstadt in the matter of expectations), and his depressed frame of mind:

And from the explication of his current mood, he unwittingly turned to the prior factors which influenced his personality and left their special mark on him, and since these factors were linked to the way in which he was educated and the early impressions of his life, his words turned on these, and without realizing it himself he began to tell his life story (p. 212).

¹¹ Hippolyte-Adolphe Taine, *History of English Literature*, trans. H. van Laun (Edinburgh, 1871). Here we find such comments as: "This precise and proved interpretation of past sensations has given to history, in our days, a second birth." "Is psychology only a series of observations? No; here as elsewhere we must search out the causes after we have collected the facts. No matter if the facts be physical or moral, they all have their causes." Taine's view clearly finds literary expression in the writings of Zola. See *Criticism: The Major Texts*, ed. Walter Jackson Bate (New York, 1952), p. 501.

Chapter 26 opens: "He was born in an insignificant town in *N* region" (p. 213). The third person narrator actually tells the story, and the passage lacks any sense of personal reaction to the events being described, either through asides to Bertha or private ruminations in the present regarding what is being said about the past. But as a means of giving the reader maximum information, the third person narrative here is most efficient. When the author is involved in conveying data about the past, he pays less attention to other fictional technique.

The discourse continues for two complete chapters, and ends with another statement concerning causation:

The inner worm never stopped eating away at him, and the awful ennui which filled his soul would occasionally bring him to certain deeds which he would regret, and yet which he would do again and again without cease as long as the internal factors which brought about these deeds didn't stop (p. 223).

Clearly, the internal factors are viewed as a result of the external reasons which have been described by him through the narrator. They include a childhood of being a prodigy, losing a mother, being sent away to school, resenting his stepmother, growing to see his father's relationship to his stepmother in a better light, and losing his father. The fact is that these past events are not so extraordinary, at least not in themselves, as to render the depression which is summed up finally: "he lived because he didn't have the strength to die" (p. 223). But this melodramatic statement does help convey the repetition of cause and effect which Bershadski wants to emphasize. It also adds another dimension to the past as viewed by Eisenstadt.

These two chapters are intended to broaden our understanding of Adamowitz, give us a sympathetic understanding of his motivation, and place Adamowitz within a tradition of the uprooted intellectual of that period: the orphans of Berkowitz, Frishman, Steinberg, Brenner, Gnessin, and others.

Bershadski's too specific and too obvious use of the past strikes us as naive in light of the exposure we have to other techniques for conveying a sense of the character's past. His naivete, or that of his characters, in explaining why they are going to relate the past to us is commensurate with the simplicity of his technique for transmitting it.

In an age when a sense of cause and effect and passage of time added to the realism of a novel, Bershadski's exaggerated references to the past must have been very important.¹² One should note that this very concept of causality came later to be viewed not as the ally of reality, but as an

¹² See Watt, *The Rise of the Novel*, p. 22. Forster, *Aspects of the Novel* (London, 1949), pp. 29-31.

opponent. Boris Pasternak expressed the point well when he asserted that:

Even modern science and mathematics are moving in that direction, away from simple causality... Nature is much richer in coincidences than is our imagination.¹³

Bershadski's novel, then, must be viewed in its historical context as an effort at realism, dated by some of the very techniques that succeeded in its era.

The issue of time, and the passage of time remain to be treated adequately by critics.

SETTING

The environment of the novel may pertain to physical surroundings or to its social milieu. The importance of environment for gaining a better grasp of a character has long been acknowledged, although the full measure of its implications and the full complexity of the way in which it operates must be discussed further by the students of metaphor, metonymy, and synecdoche. With regard to *Be'en Matarah*, two features of the question of setting must be kept in mind. First is the point suggested by Wellek and Warren¹⁴ and amplified by Donald Fanger,¹⁵ that a location may occupy some of the function of a character, and second, that for Bershadski and other social realists characters may function as setting.

Certain of the characters in the milieu of Adamowitz appear for only brief moments, in what might be called "cameo roles." While they seem to exist primarily to further the action of the story, they also serve to enrich the setting in which Adamowitz operates. The card-playing lawyer, the newspaper reporter, the down-and-out businessman, and the relatives of the abused "heroine," serve to give a tempo and concreteness to the community in which the action takes place. These characterizations help Bershadski achieve the kind of realism to which Auerbach¹⁶ and Forster¹⁷ addressed themselves.

The narrator devotes a great deal of attention to the detail of the surroundings, especially rooms and dwellings. As might be expected, he often introduces his characters with a lengthy statement about the locus

¹³ W. J. Harvey, *Character and the Novel* (Ithaca, 1965), pp. 138-139. Harvey cites an interview from *The Nation*, September 12, 1959.

¹⁴ Rene Wellek and Austin Warren, *Theory of Literature* (New York, 1942), p. 229.

¹⁵ Donald Fanger, *Dostoevsky and the Rise of Romantic Realism* (Chicago, 1967).

¹⁶ Erich Auerbach, *Mimesis* (Anchor Books Edition, 1957).

¹⁷ Forster, *Aspects of the Novel*, p. 67.

of the action. While he does not always succeed in tying the physical setting to another level of the novel's meaning, the tie is at least implicit, and sometimes explicit. These lengthy and occasionally boring descriptions have value—even if by chance—in furthering our understanding of the characters, and especially the protagonist.

Be'en Matarah is a decidedly "urban" novel; the kinds of people in it, the descriptions of the houses, the work that the people do, and their attitudes suggest a medium-sized, but cosmopolitan center. If the city here lacks the bustle of the streets, or the teeming chaos and clamor of the market place, it has the salons and apartments, the streets, and the taverns of the town. Its people are urban, and it is in this sense that the town has the dimension of a character. Even as background only, the urban setting helps lend an immediacy and urgency to the novel's themes, as well as justifying Bershadski's broad use of character interaction. The canvas is now large enough for its purpose.

The scope of the novel (as opposed to the short story) gave Bershadski the richest opportunity to depict a character within a very large social setting. Indeed, his perception of the universe seems to require a novel for Adamowitz, not simply so that he would be a more complex character, but because the author wanted him to be part of a richer and multi-layered social fabric. Bershadski's interest in manners, in the attitudes of his characters, and in the tiny way in which their lives differ from the lives of others, reminds us of certain of the novelistic concerns which Lionel Trilling emphasizes in "Manner, Morals, and the Novel." For Trilling, the novel is the best medium for conveying a "culture's hum and buzz of implication."¹⁸

Bershadski's use of setting as part of the realistic-naturalistic tendencies by which he was influenced,¹⁹ is further complicated by his technical interest. The problem of metonymy and metaphor discussed by Victor Erlich²⁰ and Roman Jakobson²¹ could well be the focus of a separate

¹⁸ Trilling, "Manners," p. 200: "It is that part of a culture which is made up of half-uttered or unuttered or unutterable expressions of value. They are hinted at by small actions, sometimes by the arts of dress or decoration, sometimes by tone, gesture, emphasis, or rhythm, sometimes by the words that are used with a special frequency or a special meaning. They are the things that for good or bad draw the people of a culture together and that separate them from the people of another culture."

¹⁹ Josef Ewen, *Bershadski* (Jerusalem, 1967), p. 10.

²⁰ Victor Erlich, *Russian Formalism* (The Hague, 1955), pp. 8, 9, 68, 149–150, 177, 178, 194, 200, 201, 211, 251.

²¹ Roman Jakobson, "Two Aspects of Language and Two Types of Aphasic Disturbances," in *Fundamentals of Language*, ed. by Roman Jakobson and Morris Halle (Gravenhage, 1956). Reprinted in *The Problem of Style*, ed. by J. V. Cunningham (New York, 1966).

approach to a study of *Be'en Matarah*. Bershadski stood between the age of social realism discussed by Donald Fanger²² and the age of Russian Formalism. For both "movements," setting was important, and Bershadski exhibits the descriptive concern of the one period and the technical concerns of the latter.

In dealing with the setting of this novel, we have the broader environment of the city, the community of friends and associates, and a series of more intimate settings, each of which relates to the composition of the protagonist. The most immediate setting, the nucleus out of which Adamowitz moves, is his own room.

Not a great deal of the novel's action takes place within Adamowitz's room. It is important, in fact, because it is a setting from which he tries to stay away. It is the room of a man of bourgeois taste, and not the room of a man who is deteriorating inwardly.

It is a spacious room, with upholstery, carefully placed furniture, and a variety of fine possessions gathered from various places. It contains a mixture of antique items and objects which are part of the current mode, such as Vienna sling chairs. The narrator informs us that even though all of this was put together in no particular order, it was easy to recognize that the room's occupant paid attention to decorative detail (p. 137).

The description of the room is not surprising, coming at page 137, though had it appeared earlier the narrator would not have established Adamowitz's poverty. The elegance of the Zeldin home described in the first pages of the novel, while helping to characterize Adamowitz as marginal, permits the reader to perceive that part of him which enjoys being within comfortable settings.

The description of his room reflects an orderly rational man, which Adamowitz is, but it cannot suggest that other side of him which wants to move away from his most characteristic self. Adamowitz's approach to and withdrawal from certain settings (Shulbaum's, his own room, the tavern, the Landmann's), sets forth another kind of polarity. These are the locales of his environment, he moves towards and away from them, just as he treats people, and they are really not very different from each other. There is no setting that fully typifies whatever it is in himself from which he is running. Criticism has not only to deal with settings in which a character finds himself, but must also consider settings which a character explicitly avoids. In this case those settings serve to heighten the ambivalent part of his nature.

In a more conventional, metonymic sense, the room suggests a man who lives alone, and his avoiding the room at least conveys the sense of a man who needs to be around people. Adamowitz is drawn out of his

²² Fanger, *Dostoevsky*.

room into the milieu of his community by the attractions of two principal locations. The first is the dwelling of Miriam Shulbaum with its implied salacious disarray, and the second is the pleasant tavern of Lichtenstein with its rich mixture of people.

In any event, Adamowitz is not in his room long enough for his character to be shaped by it, even if it does cause him to be melancholy. He has, more definitely, shaped the character of the room from which he proceeds to stay away. Other locations, in which the bourgeois part of him should be comfortable, also repel him. Leaving Landmann's house, and one of the disputations typically carried on there, a bored Adamowitz turns his thoughts to the home of Miriam Shulbaum:

"Onward, the man who thinks and judges," he thought to himself while crossing the dark city streets.

And in his imagination he saw all the moral filth of Mrs. Shulbaum's house; without his realizing it, many ugly impressions passed over him.

And he rejoiced to sink quickly in this filth; to sink to his neck in this ugliness (p. 52).

The bourgeois effort which we finally meet (more than forty pages later) in Miriam Shulbaum's house is quite reminiscent of Adamowitz's own quarters (described above), and is something of a surprise. Although in a poor neighborhood, the few rooms reflect concern with taste, and a desire to achieve "aristocratic adornment." "Photographs in planed frames," "artificial flowers," and "embroidered pieces" (p. 95), establish this as the antithesis of the sordid setting which we might expect from Adamowitz's ruminations. It is in this rather conventional setting, rendered only slightly murky by its location in the city, but bourgeois in consonance with the other homes in which Adamowitz visits, that the seduction of Raisa takes place. The reader may be surprised to find a home where every effort at good taste is made, even if that effort fails, and where a sense of order dominates. The identification of this dwelling with the room of Adamowitz suggests a relationship between the occupants of the two separate dwellings which we shall examine in greater detail below. Its sense of order emerges as a significant symbol at the end of the novel. The Shulbaum house is the clearest expression of one of Trilling's principal insights: that the novel gives expression to a rich fabric where contradictions between appearance and reality inevitably emerge. We perceive Miriam's home in our imagination before we see it, and the difference between the perception and the reality reinforces Trilling's argument that the reader's attitude about manners affects his perception, or here we might say "expectation," of reality.²³

²³ Trilling, "Manners," p. 201.

Two of the novel's microcosms, then, are two separate dwellings of characters who have an intricate relationship with each other. They are two central locations in which the life of the protagonist is based.

Another location from which Adamowitz draws a certain degree of his identity is the tavern of Shlomo Lichtenstein. Introduced early in the novel, the tavern becomes a location which Adamowitz visits with regularity.

Bershadski brings the reader to the tavern in his usual manner. A lengthy description of the setting precedes a character's entrance:

Shlomo Lichtenstein's tavern was not one of the grander ones in the district of the city of *N* . . . (p. 34).

Its customers are described as:

. . . various householders, who liked to drink an occasional glass of whiskey but who hesitate nonetheless to frequent more typical saloons (p. 34).

Bills are not reckoned strictly, intellectual argument sets the mood. The owner's oldest son is a clerk in business, and the younger sons are students. The daughters are "home people" with all the virtues of good middleclass girls from relatively enlightened homes (pp. 34-35). The regularity of the customers, their casualness, and the familiar way in which the tavern's rooms are divided, render a comfortable and relaxed portrait of one of Adamowitz's "hangouts." The tavern is some kind of contrast to Adamowitz's fantasized perception of Miriam Shulbaum's house. It represents, as it were, stability and respectability. As a "home base" for Adamowitz, the tavern emphasizes the bourgeois elements which are a major part of his character. Hardly the sordid saloon which might be the base of operation of an uprooted intellectual,²⁴ the tavern of Shlomo Lichtenstein reminds the reader of home and the basically middle class origins and aspirations which characterize the protagonist.

Leaving one routine in search of diversion, Adamowitz frequently finds himself in this place of rather routine pleasure with a potpourri of people, each of whom has meaning in his life. There he comes to know Raisa, and so the primary moral problem of the novel emerges from a fundamentally bourgeois setting.

Even those settings which do not preoccupy the author add a certain amount to our understanding of the protagonist. Turinsky's apartment drives Adamowitz away. The luxury of Zeldin's home draws him near but there he is rejected. The settings of the novel help round out the portrait of Adamowitz as *narodnik* and marginal member of his society, who moves between contrasting poles, and who suffers the same lack

²⁴ As with a character such as Raskolnikov. Fanger, *Dostoevsky*, p. 192.

of suitability to any fixed setting that we see in many novels which treat uprooted intellectuals.

INTERACTION OF SECONDARY CHARACTERS AND THE NARRATOR WITH THE PROTAGONIST

While it is not a long novel, *Be'en Matarah* is full of a variety of characters whose presence conveys the illusion of a world," and thereby enhances the illusion of reality. Thus the effect of these characters relates to the "social" function of the novel. But Bershadski's novel is not limited to its social role, and indeed *Be'en Matarah* is social primarily in terms of the morality of the protagonist, and the moral issues bring the secondary characters into close personal relationship with Adamowitz.²⁵

In *Be'en Matarah* the behavior of the secondary figures sometimes reflects aspects of the protagonist's personality, and at other times it sheds light on him by eliciting certain behavior. Often those figures exist as foils. In addition, the stated attitudes of the characters towards each other play a great part. *Be'en Matarah* is, in fact, a novel of attitudes, stated often in straight, descriptive fashion, since the novel lacks lively, realistic dialogue. Indeed the "character" with the strongest attitudes about the protagonist may be the narrator himself. Bershadski's technique allows for intensive shifts in perspective which make several characters into narrators of a kind. The tendency to lengthy statement by one character about Adamowitz is a negative feature of the novel, which nonetheless allows the reader a long look at these attitudes, through a variety of perspectives.²⁶

As a "novel of attitudes," *Be'en Matarah* becomes as well a novel in which the reader's attitudes are elicited, while viewing those of the characters. Adamowitz's style of life and personal values are under the scrutiny of everyone, narrator, author, characters and reader alike. Again Trilling's observation that the novel sets up this kind of consideration applies most congenially to *Be'en Matarah*. This condition makes it somewhat difficult to see Adamowitz in absolute terms, and helps create a more complex figure out of a potentially two dimensional character. Indeed, judgment of Adamowitz's world view as well as of his treatment

²⁵ Fanger, *Dostoevsky*; Harvey, *Character*; Watt, *Rise*; and Trilling, "Manners" all deal with the interaction of the individual and his society.

²⁶ See Kenneth Burke, *A Grammar of Motives* (Berkeley, 1969), p. 504: "It is customary to think that objective reality is dissolved by such relativity of terms as we get through the shifting perspectives (the perception of one character in terms of many diverse characters). But on the contrary, it is by the approach through a variety of perspectives that we establish a character's reality."

of people in general and Raisa in particular is blurred as a result of this literary technique.

Aharon Wilenski is the man "with a goal" and is, therefore, the most obvious personality with whom to begin. Wilenski is clearly a foil to Adamowitz, who helps to exaggerate the protagonist's characteristic features. Dedicated to the establishment of a school in which he hopes to involve Adamowitz, and embroiled emotionally in the key Jewish issues of the day, he is idealistic and naive, hot tempered, and quick to act. Adamowitz is his counterpart, rationalistic, slow to act, and not passionately committed to anything. In addition, Wilenski is involved in a triangular relationship between himself, Bertha and Adamowitz. While he is introduced early in the novel, only four chapters later does the narrator intervene with the characteristic third person description of his background. In chapter seven, we are told of Wilenski's childhood and of the miraculous way in which he came to be educated, of his unsuccessful marriage to Paulina, and of the discomfort he felt in society (pp. 77 ff.). This descriptive passage precedes another which describes Adamowitz's first meeting with Wilenski.

In those days, he came to know Adamowitz by chance, and the latter attracted him even though their views and attitudes on life were entirely different. To be sure, Wilenski was shaken when he heard the negative and destructive comments which Adamowitz would express so calmly; yet his good qualities, a sharp wit, strict logic, and wide ranging knowledge about life were attractive to Wilenski. Adamowitz, for his part, found special delight in the innocence of his new friend and in his enthusiasm and strong faith in the power of the good and noble. They became friends very quickly and the company of Adamowitz worked to bring Wilenski a little closer to life. It also brought Wilenski into the Landmann household (p. 79).

Thus Adamowitz actually introduces him into the triangle, so that their relationship is more intimate than Wilenski realizes. The passage, furthermore, illustrates Adamowitz's envy of some of the qualities in others, in spite of his apparent scorn for them. The details of the descriptive flashback above are compatible with the way in which Wilenski behaves in the more action oriented passages. He is introduced in chapter three, a visitor in the home of Joseph Landmann, unruly in dress, excitable, and behaving strangely. In this scene he angrily responds to a journal article which he is reading:

I don't know how you all can be so happy about articles like this . . . in my eyes articles written by an open Jew-hater are better than these false friends, since at least the first ones can clearly say what they mean, express their opinions in a straightforward way, and put forth their thoughts logically (p. 45).

Wilenski's reference is to those Jews and Jewish supporters who reveal their basic inclinations to assimilation. The image of Wilenski is quite sharply drawn as one led to an excessive excitement which is unharnessed by his basic intelligence. Adamowitz has precisely the opposite qualities.

But in spite of the obvious contrast between the two men, and perhaps because of it, Wilenski has great impact upon Adamowitz.

The narrator often depicts Adamowitz by presenting the larger group's attitude towards him. In one instance it is Wilenski who not only speaks for the group, but who takes up both sides of the argument regarding the character of his old friend. He attacks Adamowitz's tendency to sabotage everything (p. 53), and yet defends him against Kaplan's attack on Adamowitz's allegedly superficial intellect (p. 54).

The relationship between Adamowitz and Wilenski is complicated by the love triangle which dominates their lives. Adamowitz's intellectual domination of Wilenski is fragile at best, mixed as it is with his own feelings of doubt as to the validity of his supposed intellectual superiority. His more complete personal domination of Wilenski comes through Bertha. Since Bertha is with Wilenski for more time than she is with Adamowitz, the fact that Bertha is constantly aware of the protagonist's presence gives him a subtle and ironic control over his friends. He is an obsession. (See especially p. 150.) The scene on p. 150 captures the roles which the three play in relation to each other: Bertha loving Adamowitz, is obsessed with him; Adamowitz is apathetic about her affections; and Wilenski is in love with Bertha and earnestly heeds her words, while he is unaware of her feelings for his friend. It is thus through the unwitting Wilenski that Bertha comes to realize the intensity of her love for Adamowitz. Wilenski approaches romance in the same naive posture with which he approaches his "cause;" and Adamowitz approaches all commitment with a rationalistic caution which is at least in part a cover for some of his psychological difficulties. Bertha, caught in the middle of both tendencies, is an appropriate prism through which to see the contrasting characters more clearly.

In the final portions of the book, the relationship between Wilenski and Adamowitz takes an interesting turn. Adamowitz has not only adopted a characteristically negative attitude towards Wilenski's school, but has tried to convince Wilenski that any participation on his part would damage his cause (pp. 140 ff.). In Chapter 24, Wilenski comes to Adamowitz's room to discuss the latest news in the development of the school. Initially Adamowitz exhibits his conventional apathy, but then:

He himself did not feel how it was that he began to be more and more interested in his visitor's words. His apathy passed and his mind began to do its more accustomed work. All of his usual

feelings and all of his emotions, hidden in recent days, awoke suddenly and returned to fill his soul and to stir him again (p. 200).

The remainder of the passage combines the question of Wilenski's school, his idealism, and the romantic affair which binds the two men together. Wilenski's appearance here arouses Adamowitz out of a totally apathetic posture, as if Wilenski's enthusiasm has regenerated him. This is consistent with a development near the very end of the novel, when it is Adamowitz who bolsters the faltering faith of Wilenski, and encourages him to continue in his task. That shift in roles represents a kind of final gasp of enthusiasm before Adamowitz's complete decline into gloom. The shift in roles is ironic, but not so surprising. Wilenski is, after all, an evocative character. He brings out a sense of warmth in Adamowitz, and he elicits concern at the meeting in Borochowitz's house (p. 70). Here he evokes the support of a friend for a friend. His role as a literary character is amplified by the fact that through him Adamowitz is seen as a more complex character. Though a stock type, his "typicality" is enriched by narrative complications.

The other male characters in the novel serve a secondary role, since Adamowitz's primary relationship, and the relationships we must probe, are with women. Some are "two dimensional" or "flat" characters who have some function in relation to Adamowitz, or who serve the "cameo" roles and the purely "choral" function.²⁷ Then there are others who may be far more delineated than most secondary characters, but who still exist in the novel only to serve some secondary function. Most important among these are Turinsky, Shlomo Lichtenstein, Avraham Dubner, Kaplan, Josef Landmann, Eisenstadt, and Israel Borochowitz. These characters are part of Adamowitz's "crowd," though he relates in an intimate way only to Wilenski and in some measure to Eisenstadt. Indeed a conversation at Josef Landmann's house among Kaplan, Adamowitz, Landmann and Wilenski is described in such a way as to reinforce the stereotypic quality of the relationships.

If someone from outside were to have heard this conversation, he would not have understood most of it: In this regard there were a great number of stock allusions to well known matters, references to various articles, especially from the current literature. It was clear that such conversations were not new to this group, and it was clear that each one knew the attitude of the other towards the issues they were discussing (p. 46).

It is as if Bershadski himself is aware of the stock-type nature of his characters' relationships. All of the characters who gather later at Borochowitz's house know each other so well that the formalized nature of

²⁷ Harvey, *Character*, p. 58.

the evening conveys a slightly "mock" tone of friends lecturing to each other on familiar material. The evening at Borochowitz's home does, indeed, render an opportunity for characterization, almost caricature, of Borochowitz and Wilenski, and it gives the author the opportunity to illustrate Adamowitz's convictions in an expanded and clearly formulated way. This gathering is a convention which brings the people of the community together and renders a kind of tableau of types. The *N* which the reader knows is gathered into one room.

Although these characters represent "types" from that nineteenth century Eastern European milieu and though shallowly drawn, they add a rich texture to the novel, and technically are more complicated than the purely background people who are also in the novel. Those characters to whom I have referred as "part of a chorus," or cameo figures serving to enrich the milieu include: Mr. Zeldin, his father, Avrushov, Rosengarten, Marantz, Prostok, Rosenzweig the tailor, and Mishah Lichtenstein.

The Zeldin family has a prominence beyond the space it occupies within the novel, because their place in the beginning of the novel gives them an important mechanical function. The family home sets the stage for the kind of "luxurious set" in which Adamowitz teaches, and describes the rather subservient role of the student-tutor of that time. Both male Zeldins, furthermore, enhance the portrait of Adamowitz as a kind of figure who, while at once marginal, has ironically some kind of power over them, unbeknownst to them, and in spite of the fact that he loses out. Yet the male Zeldins appear only for a moment.

Three of the secondary characters play important roles in clarifying the character of Adamowitz. Dubner, Eisenstadt, and Landmann each have attitudes about the protagonist, and interact with him in a special way.

Landmann, a rather passive figure and a pleasant person, is the brother-in-law of Bertha, the main romantic figure in the novel. He is a mild-mannered businessman who is just on the fringe of the society of which his wife and sister-in-law are more a part. The narrator sums him up in a few short introductory sentences which describe him as an entirely average person, somewhat prone to clichés, and committed to moderation (p. 44). In the argument between Adamowitz and Wilenski, he takes issue with points that each of them makes (p. 79). It is he who, through expressing his affection and admiration for Adamowitz in his conversation with Sonia, indicates the extent to which he considers Adamowitz's failings weighty (pp. 81-83). In this conversation with his wife, Landmann refers to Adamowitz's failings: not recognizing the worth of women as equivalent to the worth of men; viewing women exclusively as objects of pleasure; and tending to negativism. Landmann's note here is significant since in spite of his normally laconic manner, he sums up

two of the protagonist's more obviously negative traits. He is the representative of good middle class morality, and as such his view of Adamowitz's morality will have a strong influence on certain readers. But precisely that morality is what Adamowitz and occasionally the narrator scorn. Landmann is a kind of rationalist, a cautious man of neutral position. Yet his sense of reason and control only serve to heighten some of Adamowitz's features, since they present the reader with an opportunity to see similar features in a totally different person.

Shmuel Eisenstadt is deeply involved with Adamowitz, on an emotional level at least, if not in terms of the novel's plot. His lengthy conversation with Anna Borochowitz, mentioned above, reveals his long standing tie with the protagonist and his affection for him (pp. 132-133). Eisenstadt serves three specific functions in addition to his rounding out the world of characters that surrounds the protagonist. He represents a man of the Enlightenment who believes in the progress of man. His kind of rationalism is thus an interesting contrast to Adamowitz's. He adds as well to our information about Adamowitz because of their association in the past. More significantly, however, he offers a point of view which complicates and enriches the reader's understanding of the protagonist. Since *Be'en Matarah* may be seen as a novel of attitudes regarding the protagonist, Bershadski creates a situation in which the reader is constantly shifting sides.

In this I believe that Josef Ewen has only a partially correct understanding of Bershadski's authorial role:

This narrator establishes himself as an objective personality at a distance from his heroes and invested with the loftiest objective credentials, which are suitable to the novelist. Yet Adamowitz's stand and especially his moral ways are not acceptable to this narrator, rather the reverse: The narrator of *Be'en Matarah* judges his protagonist harshly, at times in an unrelenting way as is the case in the episode with Raisa. This narrator, as established by Bershadski in the book, functions as a moral figure in the novel, which probably "understands" the failure of the hero, penetrates the confusions of his distorted humanity, but does not identify intellectually or emotionally with him. This narrator presents himself to us as a mature and balanced figure . . . he is not one who has lost his way or goal in life.²⁸

That the narrator does not approve of Adamowitz is suggested, Ewen asserts, by the delicacy of the terms used to describe such phenomena as pregnancy, abortion and seduction. In this the narrator identifies with the moral norms of the community of the time. What may seem quaint

²⁸ Ewen, *Bershadski*, p. 24.

and, therefore, ironic to us should not be construed as such, Ewen correctly notes.²⁹

Thus Ewen describes the basic relationship of this narrator to his character, and is aware at the same time of the potential identification of Bershadski with Adamowitz.³⁰ But I believe that Ewen has failed to illustrate the full range of complexity in determining the narrator's point of view, and I believe that the distinction between narrator and author is not as clear as he makes it. The relationship of narrator, author and character exists and enriches the texture to such an extent in *Be'en Matarah* that Bershadski has created a nexus of point of view which modifies what may seem to be the absolute point of view of the narrator. It is the narrator, after all, who shifts the reader swiftly from one point of view to another. As Harvey points out, any ficelle is the reader's delegate within the story,³¹ and in this novel the reader has many delegates. If Booth is correct that a character becomes a narrator when we see his mind,³² then we really have several narrators.

Bershadski, from the very beginning, creates what seems to be a portrait of a manipulative and self-seeking protagonist. Affection for and positive attitude towards him emerge primarily from the positive way in which other characters view Adamowitz. Most significant among these characters is Eisenstadt. Eisenstadt's affection for Adamowitz complicates the potentially negative reaction of the reader to Adamowitz for several reasons. Eisenstadt is beloved by the group surrounding Adamowitz; he has known him the longest; he appears to be a man of reason and good sense; and, finally, his point of view is closest to that of the narrator, a role suggested in the conversation between Eisenstadt and Anna Borochowitz, which is discussed on pp. 231 f. There Eisenstadt conveys the protagonist's past with the authority of the narrator's voice.

The way in which the minor characters relate to Eisenstadt adds to the narrator's early description of him. In characteristic fashion, Bershadski brings Eisenstadt into the novel with a lengthy description. He comes to Turinsky's house after Adamowitz has left the card playing scene, and after describing his features in great detail, the narrator notes that "everyone rejoiced at his coming" (p. 54). It is apparent that even the "nationalists" in the group respond positively to him.

In a later conversation with Anna, the issue is whether or not Adamowitz could indeed have seduced Raisa on the basis of promises he made to her. When Anna asks him if he believes that Adamowitz made such a promise, Eisenstadt answers:

²⁹ *Ibid.*, p. 25.

³⁰ *Ibid.*, p. 25.

³¹ Harvey, *Character*, p. 67.

³² Booth, *Rhetoric*, p. 106.

Insofar as I understand Adamowitz's spirit and his character, I think it is absolutely impossible. Even if he were able to do such a low deed from the point of view of his morality, in any event his pride would not allow it. If he indeed loved a young girl, who knows that it wasn't this feeling of pride which stopped him from acknowledging it, and especially to a young girl whom he could neither love nor respect . . . No, no, such a thing is not even possible! (pp. 175-176).

Eisenstadt's role as "witness" is enhanced not only because most of the characters like him, and because the narrator describes him in pleasant terms, but because he is not simply a person who likes everyone as a result of his convictions about good in the world. Above we see that he evaluates Adamowitz in quite pragmatic terms. In the group discussion regarding Borochowitz, it is clear that Eisenstadt joins the others in their general distaste for the former (p. 56). Eisenstadt's general neutrality and his honest, practical manner when evaluating people give credibility to his opinion of Adamowitz. He is certain that Adamowitz could not have promised Raisa, and therefore, his view gains even further credibility, because the reader knows that he is right.

Abraham Dubner serves an interesting function within the novel. He is the father of Miriam Shulbaum, the uncle of Raisa Lichtenstein, and one of the "old men" of the group surrounding Adamowitz. He is introduced at Turinsky's card game as the *sam mavet* [fatal poison] because of the intensity with which he plays; he is a bit older than 50, and has a wily aspect about him. "His speech was calm and with a mocking flattery; his game careful with strange deceptive movements" (p. 38). His style of maneuvering is reminiscent of the same trait which is one part of Adamowitz, and indeed it is Adamowitz who understands this tendency in the older man. In Dubner's two visits to the protagonist's room, this quality of cleverness and suspected duplicity troubles Adamowitz and makes the reader cognizant of the accuracy of Adamowitz's insight.

Dubner's first visit to Adamowitz (p. 139) is clouded in some ambiguity. This visit occurs before Adamowitz knows of Raisa's pregnancy, and presumably before anyone else knows of it, though everyone in the community is aware and concerned about the relationship between the young teacher and the daughter of a tavern owner. The apparent reason for Dubner's visit is to relay to Adamowitz what the members of the community think of him. After rendering an account, the details of which are already more or less familiar to Adamowitz, the old man endeavors to find things out from his host, especially with regard to Bertha and Wilenski. Adamowitz, ostensibly above concern of this nature, is indeed influenced by such societal feelings. From a literary point the scene serves primarily to reinforce the fact that this is a novel

of "attitudes," and that Adamowitz is, however ambiguously, concerned with them. He is closer to Landmann than one would think. The reasons for Dubner's efforts to draw Adamowitz out are entirely unclear, though they anticipate his second visit for the specific task of discussing Raisa's troubles (p. 193).

This time the regular hypocritical smile adorns the old man's face, but his task is not at all secretive or ambiguous. He informs Adamowitz of the Lichtenstein family plan to send Raisa to America, and of their need for financial help to do so. His first visit can now be viewed as anticipating this statement of Adamowitz's responsibility. Adamowitz responds to the financial need as an opportunity to exonerate himself with a light sentence. In spite of the reader's generally negative attitude towards Dubner, Dubner's comment to Adamowitz serves to put the deed in some perspective:

I don't find such a criminal transgression in your deed. We can't expect the celibacy of old folks from the young—old age will provide ample time for that; nonetheless . . . (p. 194).

Dubner, even when speaking of the troubles of his young relative, helps the reader to place the act within the modified frame of responsibility without overbearing guilt. It is important that a character of basically negative definition is the first to alleviate Adamowitz's tension. Indeed this might seem to support Ewen's position with regard to the narrator's Victorian moral attitude, were it not just as much a symptom of the morally ambiguous universe which author and narrator both project.³³

Kaplan, Turinsky, and Borochowitz are the other important secondary male figures in the novel. They serve principally to broaden the character base of Adamowitz's world: the bitter old man who believes that the younger generation's knowledge is superficial; the apathetic debilitated intellectual who host the weekly card game; and the unpopular, boorish, social climbing patron. In one sense these characters represent the culture for which Adamowitz and the narrator have scorn. Borochowitz is given vividness in his relationship to Adamowitz because of the strong opinions of his wife against the protagonist, and because, interestingly, Adamowitz is one of the few characters who does not speak specifically of hating him. Adamowitz, who has scorn for many others within the novel, does not scorn the most scorned character of all. This, too, complicates the reader's attitude towards the protagonist.

The narrative of *Be'en Matarah* is set in a world of changing attitudes with regard to women, their rights and their proper roles. There are

³³ Ewen, *Bershadski*, pp. 24-25.

five relationships in the novel in which women have in one way or another a measure of superiority over the men: Paula with Wilenski; Bertha with Wilenski; Anna with Borochowitz; Rosa and Misha; and Miriam Shulbaum and her husband. In each instance the woman is either cleverer, more forceful, or on the "manipulating" end of the relationship. The issue of women's place in society was central to the literature which had great influence on Jewish life at that time: Ibsen, Tolstoy, Chekhov, Frishman, Jacob Steinberg, and Berditschewski.

Anna Borochowitz is a good example of a woman whose life is affected by the contemporary current. A statement which describes this phenomenon and its implications is made by Sonia Landmann to Eisenstadt with regard to Anna:

Mr. Eisenstadt certainly knows that Anna is the daughter of a wagon driver, and that her enlightenment came by sheer chance. And this occurrence brought much pain to her afterwards: to be the wife of a boorish wagon driver was not possible in view of the level of her development, and a fitting partner was not possible because of the low level of her family (p. 57).

The passage suggests a world in transition from traditional values ("a fitting partner was not possible"), to freedom ("in view of the level of her development").

This undercurrent is present throughout, and not only enhances the genre portrait of this milieu, but also has direct bearing on the development of Adamowitz as a character. Clearly Adamowitz is affected by these currents not only in his conscious thought, but in the more generalized picture of the "world" in which the novel's events take place. The seduction of Raisa is only in this kind of milieu, although the problems it creates illustrate that the transition to feminist freedom is incomplete. The biographical elements of some of the women who are most intimately related to the protagonist convey the picture of this changing role. In the case of any character in Bershadski's novel, biographical detail is important. However, in the case of the female characters, the data may be more directly pertinent to an understanding of the male protagonist, since women generate so much of the novel's action.

The first woman to appear in the novel is Mrs. Zeldin, the mother of the family to whom Adamowitz has been recommended as family tutor. The protagonist's encounter with Mrs. Zeldin sets a kind of tone for his relationships in general with the other women in the novel:

Mr. Zeldin was not at home, although he was due any time. Mrs. Zeldin was at home. "It doesn't seem to make any difference, perhaps it is even better," he decided. After making up his mind, "Turinsky said that the lady of the house governs here" (p. 27).

The setting of the Zeldin home lends further depth to the picture of Mrs. Zeldin: a kind of upper middle class partially assimilated Jew, committed to all the "proper" things. The conversation between the two over an ostensibly innocent cup of tea takes on a combined aspect of banality and flirtation. It opens the novel with the "hum and buzz of implication,"³⁴ so characteristic of the bourgeois novel. And such lines as "A little spice won't hurt," "Will she fulfill well," etc. (p. 28), suggest flirtatiousness and social maneuver.

The ostensibly insignificant opening scene at the Zeldin home really sets the stage for Adamowitz's struggles with women during the rest of the novel.

Raisa Lichtenstein, Bertha Marantz, and Miriam Shulbaum are the three principal women in the story. Each serves a specific and distinct function in the plot, as stock types, as they shed light on Adamowitz, and by advancing the action of the story.

Raisa Lichtenstein is the least developed of the principal female figures in the novel, in spite of the central role she plays in the development of the plot. We know little of her except that she is the proper daughter of the popular tavern keeper, moderately educated, shy but affirmative and even assertive in her relations with Adamowitz. Her decision to go back to her cousin Miriam's home (Chapter 10) is interpreted by Adamowitz as a sure sign of her decision to capitulate to his overtures, and one can safely say that the reader understands it in those terms as well. She is in part an innocent girl, yet she is affected by the changing role of woman in that society.

But it is Raisa's naivete, her very contrast to him, which appeals to Adamowitz. Once again, a character who is his opposite evokes his positive emotional response:

He heard her first words with an open absentmindedness, only little by little did he become interested in her gossip about their friends. Finally she even succeeded in drawing out a smile on his lips. Her success made her bolder and her soul awakened more and more, and this awakening added charm to her. A dim spirit and seriousness was not at all suitable to her appearance; on the contrary liveliness, laughter and joy and alertness beautified her (p. 37).

The seduction, whatever its insidious aspects, is at least partly motivated by some affection, and is partly solicited by its victim.

Bertha is introduced three times before we know of the nature of her relationship with Adamowitz. This casual means of introduction, common to the realistic tradition, seems purposeful, and is used in one way

³⁴ Trilling, "Manners," p. 200.

or another with regard to several other characters. Not until Chapter 5 does Bertha think about Adamowitz at all, and not until the end of that chapter do we have a romantic perspective on these ruminations, and her relationship to the protagonist.

Bertha is the twenty-year-old younger sister of Sonia Landmann. While neither she nor her sister has beautiful features, each is noted to have a special grace which even makes their physical imperfections pleasant (p. 44).

The first scene where Bertha is introduced is really more of a stage setting and an opportunity for the various philosophical positions of the men to be heard. Bored with the disputations, Adamowitz flees the Landmann home for the more immediate pleasure of Miriam Shulbaum's house. It is ironic that the first time we meet Bertha, the major love interest in the story, the protagonist flees the scene to partake of Shulbaum's hedonism (p. 52). Precisely this fact reminds us of the basically non-sexual nature of the Bertha-Adamowitz relationship.

The style in which Bershadski characterizes Bertha is a good example of his use of the distinctions between appearance and reality, and characteristic of the way in which he may introduce a character and hold him in abeyance for some chapters. It is in sharp contrast to his usual technique of introducing a character and telling nearly all right away.

In Chapter 5 Bershadski indulges in a lengthy discursive treatment of Bertha's response to the protagonist: her fascination with the contradictions in him (p. 61), his complexity (p. 62), and the contradiction between his behavior and his stated values. This lengthy treatment of Bertha's point of view is consistent not only with Bershadski's narrative technique, but as well with the treatment of Adamowitz throughout the novel as a character of contradictions. Bertha's response, or the authenticity of her response, is validated by the relative respect Adamowitz demonstrates towards her. Bertha's intellect is elevated in the eyes of the reader by the fact that she personally enjoys conversation with Adamowitz over conversation with anyone else; and her enjoyment of his company is described in terms of what seem to be fundamentally different intellectual commitments . . . "Yet she never missed an opportunity to have further discussions with him" (p. 63). Already at an early stage in her life she had come to ask herself what she felt for Adamowitz, even at a time in her life when it was not reasonable to ask. But the potential mutuality of feelings between the two is suggested by the narrator's report of Adamowitz's confessions to her in an especially intimate form:

"Why should we deny the truth, and what foolish propriety should keep us from speaking what is clear to both of us? . . . without worrying about what will seem to be a lack of humility, I can

state that I know of your feelings for me, and at the same time, I am sure that my strong love for you will not come as something new to you" (p. 206).

There follows Adamowitz's comment about his foolish pride, his "accursed trait." In spite of his love, Adamowitz proceeds to tell Bertha that their lives cannot be joined because of his egotism and inability to sacrifice (p. 209).

Later in the lengthy monologue he adds the fact of his own self-awareness which makes the egotism the more painful to him. Turinsky and Borochowitz, he notes, have the same egotism, but are simply unaware of it (p. 211). He, therefore, views them as happier people. Clichéd as Adamowitz's excuse sounds today, the convention of this kind of "confession" is important in the development of Hebrew literature.

Bertha's portrait is not particularly "rounded," but the narrator is able to create a sympathetic character who is not one-sided. She is also indecisive, and "without a goal," but this quality is apparent in subtler ways than it is with the protagonist. Caught up in an age of new freedom for women, she does not have any particular ambitions for herself, and her main concern is deciding between Adamowitz and Wilenski as lovers. In spite of a kind of superficiality which the objective data suggest, Bertha is a positive figure, partly because of her relationship with Sonia Landmann, partly because she appears the innocent victim of an emotional love triangle, and partly because of Adamowitz's respect for her, which must cause the reader to view Bertha as intelligent no matter what other qualities of character may or may not be conveyed. Bertha also recognizes that Adamowitz is in practice a moral person, in spite of his theoretical apathy towards morality. When it comes to attitudes, the narrator joins the Wilenski-Adamowitz-Bertha triangle.

We are thus inclined to like Bertha, and certainly to respect her insight. Her attitude towards Adamowitz will temper in large measure our attitude towards him. During a kind of replay of the last scene when Bertha is home trying to recapture the conversation with Adamowitz, the narrator renders the same basic scene from a different point of view. Here we have the final third party picture of Adamowitz presented by the person with whom he is most intimately involved:

In her memory many details were reviewed from the long confession, and she found that more than being corrupted and bringing evil to others, this man was forlorn and suffered awful self-punishment; in any event he could not be indicted for having a character that was different from others . . . (p. 226).

The relationship of the narrator to this rumination is quite clear unless we assume that he is mocking Bertha.

The remainder of Chapter 28 is taken up with Bertha's ruminations about Adamowitz and her relationship with him. In the midst of these thoughts, Bertha herself notes one fact which has by now been accepted by the reader:

It was impossible not to recognize that in many details there was a great similarity in their characters, and this similarity which had a great deal to do with their mutual attraction, would make a union between them very dangerous and, therefore, she should be happy that, at the time of their last meeting, her romantic inclinations did not overcome her judgment so that she didn't act without careful reckoning . . . (p. 228).

The narrator points out that the two characters have something in common, and conveys this all the more convincingly by the fact that, in Bertha's last act with Adamowitz, she takes on qualities which are his hallmark. She has just finished dealing with the age-old romantic question of whether a man who uses as much reason and rationalization as Adamowitz can really be in love (p. 227), when she herself expresses her gratefulness that she also has let the power of reason subdue her emotional inclinations (p. 227).

Bertha is, in some sense, another side to the personality of Adamowitz. This relationship is hinted at in the above mentioned section: she too views her life through a thoughtful perspective, and her final action vis-a-vis Adamowitz is based on reason overcoming her emotions. Her tendency to ruminate about herself, or the narrator's tendency to let the reader experience her rumination, is shared only in the case of Adamowitz. Her relative freedom from her family is akin to Adamowitz's liberation from his own home.

She, too, suffered from the narrowness of the society around her and the prejudices of that society stood in her way. She decided to create for herself a circumstance which was not dependent on the opinion of others, and had expressed her desire to prepare herself to be a teacher, or a midwife. But her parents found these two professions—or any profession for that matter—to be unsuitable, and opposed her wishes with all their might (p. 234).

And while Adamowitz accounts this quality in Bertha to her favor as over against his own, the real power of these passages is that they reflect certain similarities between the two characters.

A final characteristic which binds them is their own conceptions of their destinies. Both view their lives in some fateful way: Adamowitz sees himself as destined to wander, due to factors in his life; and Bertha views herself as a possible victim of circumstances beyond her control.

Seeing in Anna Borochowitz a paradigm for her own life, Bertha ruminates early in the novel on the lot of Anna, victimized in her marriage by an "attractive lie" (p. 58).

Her final scene with Adamowitz is the last in the book in which we see Adamowitz from someone else's point of view. It is a kind of summation of who he is; and is certainly rendered from a point of view which the reader is likely to adopt. The fact that it is the last expressed attitude in a "novel of attitudes" only enhances its significance. The juxtaposition of Bertha's ruminations here with Adamowitz's encouragement of Wilenski creates, finally, a positive portrait of the protagonist.

It is difficult to determine the narrator's attitude towards his protagonist, as I indicated above. But the Bertha-Adamowitz relationship reflects a technique which adds significantly to that difficulty. While the moral quality in each is ambiguous, the positive feeling for each by the other tends to make both of them morally attractive. The technique has not been adequately dealt with in criticism.

The absence of sexual feeling between Bertha and Adamowitz is explained, in part, by his relationship to Miriam Shulbaum. Miriam Shulbaum does not appear until the tenth chapter of the novel, or nearly halfway through the narrative. This is striking because of the intimate relationship between her and Adamowitz, and the way in which the two are identified with each other, both typologically and psychologically. What we know about Miriam prior to her appearance is something about her house and the meaning she has for the protagonist. Indeed the make-up of the house and the events which occur within it are an inextricable part of her. Her non-appearance early in the novel enhances the obsessive effect which she has upon Adamowitz.

"Bet-Shulbaum" (Shulbaum's house) is mentioned for the first time in Chapter 3, and the suggestive mood in which it is mentioned affects the reader much as it does Adamowitz who is drawn there by its decadent possibilities:

"Onward, the man who thinks and judges," he thought to himself while crossing the dark city streets.

And in his imagination he saw all the moral filth of Mrs. Shulbaum's house; without his realizing it, many ugly impressions passed over him.

And he rejoiced to sink quickly in this filth; to sink to his neck in this ugliness (p. 52).

The episode with Adamowitz at Miriam Shulbaum's is hidden from the reader, an effect which heightens our curiosity about the place. It is not, as hinted before, a brothel, nor the scene of wild orgies, but, rather, a bourgeois home. It is the locus of the central "event" in the story, sexual in content, but not sordid as we might expect, and certainly

not as sordid as the members of their society probably imagine. The Shulbaum house, already identified as a special place, begins to loom larger at the end of Chapter 9 where Adamowitz is seeking out Raisa Lichtenstein and realizes the significance of Raisa's decision to spend time there:

At last she couldn't control herself and did not keep her word that she would never again set foot in Miriam Shulbaum's house! Thoughts passed through his brain, "From the beginning I saw this: for several weeks she fought with herself, but then weakened—and now she is ready to surrender" (p. 95).

Adamowitz's view that Raisa's presense at Miriam's house makes her "ready to surrender" establishes firmly the connection between Miriam and Adamowitz.

The first encounter with Miriam is through her dwelling, an introduction consistent with Bershadski's means of introducing a character through his environment. The narrator then describes a relationship which indicates her centrality in the life of the protagonist. Not only does Miriam Shulbaum share many of the manipulative features of Adamowitz, and not only is she the agent for the seduction of her cousin Raisa Lichtenstein, but she is apparently the agent for the concrete expression of some of the characteristics which Adamowitz successfully hides from the wider community. Miriam's central role is seen most clearly in Chapter 10, where, after an introduction to the physical setting in which she lives, the narrator delineates a brief history of her relationship with Adamowitz, clarifying finally what was meant by the two veiled allusions earlier in the story. She is a married thirty-year-old woman, good looking, but with nothing special about her beauty. Adamowitz met her when he went to rent a room, and:

The landlady appealed to him especially when he heard that her husband was in America, and that she was alone.

And at that time, her response reflected his:

The gentleman should believe me, there are many who seek to rent a room from me, but a fine neighbor like you would please me more than others, and for your sake especially I shall try to make it as pleasant as possible (p. 95).

The ensuing relationship continues to be characterized by some secrecy and continuous hinting:

His visits became more frequent especially since she moved over to this location which was more appropriate to his purpose, and the distance of his place from the center of the city was a sure guarantee that his visits would not become too well known (p. 97).

She gathered around her a group of fun-loving, but lower class people to whom Adamowitz was far preferable. Because of them Adamowitz tries to visit her only when she is alone. The relationship is further strengthened by their mutual awareness of what they meant to each other:

She almost gave herself over to him, there were no ceremonies between them: they didn't try to call their natural lust by a nicer term such as "inclination" or "sympathetic feeling" and this open cynicism appealed to Adamowitz because of its novelty (p. 97).

Indeed, the only ambiguity in their feelings is suggested by Adamowitz's conviction that Miriam must have had several such liaisons, and in his pleasure in that conviction (p. 97). This conviction might free him from any fixed tie with her, but her continued insistence that "he is the only one" adds to his troubled conscience. He finds increasing disgust in his visits to her.

The relationship with Miriam represents, as well, an exaggerated expression of the way in which Adamowitz relates to all women. When thinking of Miriam's clever tactics in attracting him, he sees the image of a smitten dog; and he relishes (even if in disgust) his control over her (p. 98). Raisa certainly is "conquered" in this way, and in some measure Adamowitz has similar control over Bertha (though without the sexual expression). The number of conversations which women have about him³⁵ also suggests his ability to command attention and pre-occupy his women.

The approach and withdrawal syndrome which is reflected most strongly in his relationship with Miriam (it is almost caricatured there), is consistent with his relationship to places. Raisa is the only woman he pursues relentlessly and this only until he succeeds in his seduction.

Adamowitz's basically calculating nature in approaching any problem or situation spills over consistently in his efforts to seduce Raisa. Part of that calculation includes the use of Miriam Shulbaum to achieve his purposes. Indeed, in spite of her final decision to warn Raisa away from Adamowitz, she becomes an unwilling conspirator. While wagering that Adamowitz will not succeed, she succumbs to a morbid delight: "She desired to see that Raisa's innocence would not stand the test" (p. 100). This quality thus links her to Adamowitz, and because of it another link is forged. She calculates victory for herself by way of a wager that Adamowitz will not succeed, and a desire to see him succeed.

Miriam Shulbaum is, thus, not only the agent for the protagonist's successful seduction of Raisa, but she becomes, subsequently, the agent

³⁵ See Chapters 5, 8, 15, and 20.

for any assistance in achieving a resolution for the dilemma. Once she writes the note to Adamowitz informing him of the pregnancy of her cousin, she assumes a more clearly defined relationship with him. The sexual component recedes into the background, and her only role now is to assist the two subjects of the dilemma.

Miriam's role as pander between the two lovers, her existence as a mirror to some of the protagonist's qualities, and her utility in bringing out certain qualities in him, give her a centrality in the life of the protagonist which far exceeds the proportion of the physical space she occupies within the novel. This centrality is clinched in his final scene with Miriam where it becomes clear that she renders order to his life. Miriam's departure comes to mean for him that part of his world is leaving, and suggests, finally, the full consequence of his actions— not the mere fact of Raisa's pregnancy. He has come to Miriam, as usual, immediately after a crucial event (the visit of Avraham Dubner) in Chapter 23. He realizes in noticing Miriam's imminent departure that part of his world is leaving.

He had never imagined that his soul was capable of such longings, but this time he felt the full strength of these longings which a man will experience at a time when the regular order of his life is changing (p. 195).

This "regular order" was largely in the hands of Miriam Shulbaum: nemesis, lover, opposite, and mirror. She is an interesting character for helping the reader understand the protagonist, as well as bringing about the major events of the novel. It is ironic that her existence is viewed as rendering order to the protagonist's life.

Bershadski often introduces his secondary characters in such an off-handed way that the reader is surprised to discover their importance within the novel. This occurs with regard to Dubner and Bertha. In other instances (for example, the Zeldins), we tend to expect greater importance from a character or setting which immediately disappears from the action. Finally, and most significantly, characters evolve in ways which are somewhat surprising, since the reader has come to expect one thing and finds himself confronted with another reality within the novel. This last point is especially relevant in light of Trilling's treatment of the novel. We know, for example, that Miriam Shulbaum is to occupy a central place in the life of the novel, but not only are we surprised to find that her home is not as sordid as is first suggested, but that it actually represents order in the life of Adamowitz. And while Bertha undergoes one mutation, from unimportant participant from the sidelines to central figure, it is not until the very end of the novel, that the similarities between her and Adamowitz are made clear. Raisa, who is central to the dramatic action of the novel, is not really a major charac-

ter qua character in the emotional life of Adamowitz. Such, Trilling would say, is the complex nature of society.

The very richness of Adamowitz's social milieu is responsible for his definition, and at the same time makes it difficult for the reader to adopt a clear-cut attitude towards him. Too much is going on among too many characters, and moral feelings are not easily held when society is so complex. Yet, the very fact that Adamowitz is cut off from every level, and rejects any part of the rich social fabric in which he lives, heightens our sense of his marginality. He belongs neither in the wealthy pseudo-pious Zeldin home, nor in the card game of Turinski, nor in the Lichtenstein saloon. He finds order only in the tentative dwelling of Miriam Shulbaum, the character least expected to render a permanent framework in which he can function.

From this realization, the reader may even be moved to pity for Adamowitz. The rich varieties of life afforded by the social fabric of late nineteenth century *N* offer him no solace or interest, and Shulbaum's departure drives this fact home in some "ultimate" sense. It is here that pity complicates even further the reader's judgment of Adamowitz's personal behavior. While this pity is frequently elicited through some poorly conceived melodramatic techniques, I would argue that these instances are designed to complicate our already blurred attitude towards the protagonist.

The conventional distinction between implied author and narrator may have to be surrendered here because some of Bershadski's skills were limited. There is some hint, as Ewen notes, that the narrator views his character negatively, while the "author" does not.³⁶ If that were clearly the case, however, we should have at least some indication of the foolishness of the narrator. The opposite appears to be the case. Both author and narrator prefer Adamowitz to the petty social world which surrounds him, and accept in some measure his rejection of the past-times and boring concerns which preoccupy the people of that world. They certainly accept his skepticism with regard to the social causes which people embrace. The book may suggest a condemnation, intellectually, of Adamowitz's social behavior, and perhaps Dubner's approval (see above) reinforces such a condemnation. But as a human being, Adamowitz is viewed with love and concern by most of the "sympathetic" characters in the novel, and for this reason and others, the reader's emotional judgment of Adamowitz is likely to be positive.

It is this confusion which renders *Be'en Matarah* a unique phenomenon for its time. From stock types, and even stock problems, Bershadski created a morally ambiguous universe far richer in texture than may first appear.

³⁶ Ewen, *Bershadski*, pp. 24-26.

בבעיה ההלכתית המרכזית, אין להתעלם מהדיאלקטיקה השנונה בתשובה זו שפניה להחמרה, דיאלקטיקה שלמעשה מיותרת היתה.²⁷

דוגמה שניה: אשה²⁸ שתמיד מוציאה דמים — מותרת היא לבעלה או לא? הקדמתו לענין אופינית היא לר' יוסף ליב מרגליות: אף שהרבו ראשונים ואחרונים לעסוק בבעיה, "ומפיהם ומפי כתבם אנו חיים... ואנו מה נענה אבתריהו. אולם האשה הנעצבת השוקדת על דלתי תורתנו הקדושה ותלך לדרוש את ה' לדעת מה יעשה בה, אין אנו בני חורין מלהבטל מהעסק בדינה, להשב על ידינו כבוצר על סלסלות פרטי הדין ולא לצאת ח"ו נגד דעת הראשונים כהני... החורקים שן ועין כנגד הראשונים, כי צל ההרים הגבוהים אני רואה כאנשים ואני כחב לעומתם...". אף שניכרת הערכת הראשונים (במיוחד לעומת המתנפלים עליהם), יש גם לשמוע נימת עצמאות והכרה עצמית. וכן מעורר בנו הרב חמלה לאשה ורגשי אחריות כלפיה.

אך מסקנותיו הסובסטנטיביות בענין זה — ענין חמור כיון שאיסור נידה גורר עונש כרת — הן להחמיר. התופעה כבר נדונה על-ידי גדולי הראשונים, ואף האחרונים טפלו בה: הרמ"א והש"ך פסקו להתיר את האשה לבעלה במקרים מסויימים, תוך הנחה שהדמים מקורם בפצע בפנים הגוף, בעוד שהש"ך ואחרים אסרו. המחבר מברר את השיטות בנדון ומוצא שאין להצדיק את עמדת הרמ"א ("לא מצינו שום פוסק קדמון שיתרנו להציא... ומנ"ל להקל מלבנו") על פי המקורות. אין ספק שדיון זה התנהל בצורה אוביקטיבית; ראיותיו של הרב הן ישירות ומסתברות. אך מאידך מתקבל הרושם שהרב בעל שו"ת פרי תבואה לא היה דוחה היתר שחתמו עליו הרמ"א והש"ך, במיוחד כשיש בו לשקם בית הרוס בישראל.²⁹

נמצינו למדים שבמהלך שנותיו גבר אצל ר' יוסף ליב מרגליות הרצון לאשש את כח ההיתר שבהלכה. בעוד שאין להצביע³⁰ על נטיה כזאת בספרו קרבן ראשית (תקל"ח), התשובות והטענות בספר פרי תבואה פניהן להיתר ולרוך.

דמותה ההלכתית של ר' יוסף ליב מרגליות מעניינת היא למדי. אין להטיל אפילו צל של ספק בנאמנותו למסורת ההלכה ולספרותה עד גיבושה בימיו. אולם, מאידך, נמצינו למדים מכל האמור שרצה להטות אותה מסורת בכיוונים מסוימים, ולנצל כל אפשרות להקל בעול ההלכה ולפעמים ליצור נוהג הלכתי חדש. אמנם השתמש בדיאלקטיקה המקובלת על חכמי ההלכה מקדמת דנן, ושוב אין לחשוד בכנותו ביחסו למקורותיו או במשא ומתן שנהל. ברם, אם מסגרת דבריו וצורתם הם על פי רב סטנדרטיים חדירה לתוך הדברים עצמם מגלה מגמתיות ברורה, אם אף מתונה.

27 מיותרת — שהרי ההקלה שבשולחן ערוך נוגעת רק לצורות שוקעות, בעוד שמסתבר שהצורות על גביעים ומנורות הן בולטות, ובהן מוסכם האיסור (יו"ד סימן קמ"א, ד). רב תורתה של התשובה היא אינה נחוצה, איפוא, לפסק ההלכה. ואף יש להעיר שהמחבר מצטט את דעת הרשב"א בענין טס האריה כאילו ברורה היתה הוראתו לאיסור, בעוד שרב המקורות מהם שואב ר' יוסף קארו בבדק הבית, שם (ועליו מסתמך המחבר) פניהם להיתר.

28 סימן י"ט.

29 יש להעיר, שמתקבל הרושם שהרב המשיך להחזיק בשיטתו אף בשו"ת פרי תבואה סימן ד. ברם שם נאמרו הדברים להלכה אך לא למעשה. הבעיה הספציפית שם — בעיית כתמים, והרב מורה שיש לסמוך בנדון זה על השיטה המקלה. ועיון בתשובה מעלה את האפשרות שהמשיב אינו נוקט עמדה ברורה בנוגע לשאלתנו הנוכחית.

30 אולם השווה דברי השואל בס' קרבן ראשית, סימן ג'. הרב פוסק להיתר, כנגד אותו מחמיר ששבר את הכלים (תוך התפרצות לביתם של אנשים זרים והשתלטות על רכושם, כמובן) בהם נולדו הספק לשם בסוס דעתו האוסרת. מתגלה כאן, אגב, פן מעניין של החיים הציבוריים-דתיים.

לשני הקובצים, אין להתעלם מכך שבתשובות בספר קרבן ראשית אין הרב מקדיש את מרצו להקלה. חלק ניכר מהתשובות — בין כאלה שמסקנתן להיתר, בין כאלה שמסקנתן לאיסור — אין בו טנדנציה כל שהיא; המשא ומתן הוא פחות או יותר אובייקטיבי.²² ומאידך, אין הרב נמנע מלהכנס לפרצות דחוקות ולדחות דברי פוסקים מקובלים — כשמגמתו להחמיר ולאסור. מנקודות ראות אלה שונה אופים של שני הקבצים האלו, האחד משנת תקל"ח והשני משנת תקנ"ו.

נציג בראשונה שאלה ²³ "מלאכותית", ²⁴ בה ניכרת נטיה זו.²⁵ המחבר דן בהגדרת "מצוה" שדוחה שבות בשבת: "האם נתנה תורת כל אחד בידו, ומה שנראה לו שהוא מצוה רשאי לדחות איסור שבות...?" מסקנתו — להגדיר "מצוה" בצורה הצרה ביותר: "וראוי להזהר בכל דבר שיש לספק בו אם הוא מצוה שלא לעבור על שבות ח"ו, אף שנמשך מהגדרה זו דחיית פסק הלכה של בעל מגן אברהם. הבעיה מעניינת כשלעצמה וללמד יוצאת. הרב עצמו מצביע על הגמישות וחוסר ההגדרה ששלטה בתחום זה, ועל האינדיבידואליות שהיא מטפחת. נוסף על כך, מבצבצת כאן אפשרות להיתר איסורים (דרבנן) דוקא מתוך טענה שהפעולה המתרת חשובה יותר מבחינה רוחנית ("מצוה") משמירת האיסור בעינה. הגדרת "מצוה" וקביעת סולם ערכים למצות הרי הם, בכלל, פרשיות בעלות משמעות עמוקה בכל סיסטמה נומיסטית, ורב הצפון בהם. והדברים ידועים.

שתי תשובות שהשיב הרב הלכה למעשה מבליטות אף הן אופי הקובץ כולו. הראשונה ²⁶ עוסקת בענין החזקות צורות פלסטיות: "נתפשט המנהג להיתר לשהות בתוך ביתו צורות בגוף הנעשים על-ידי הצורפים על הכלים לנוי כמו המנורות והגביעים." בניגוד לקביעתו המאוחרת, שמתפקידו של מורה הוראה להצדיק ככל האפשר נוהגים עממיים, חותר הרב כאן לאיסור. בתוך תשובה זו הוא פוסק נגד דעותיהם של ר' יוסף קארו ור' משה איסרליס, ואת שיטתו המחמירה מעמיד בדיוקים (לפעמים דחוקים) בדברי ראשונים. ומעניין להשוות כאן תשובה מאוחרת יותר שהופיעה בשו"ת פרי תבואה (סימן נ"א), בה הוא מתיר החזקת כפיות וכלי שולחן המעוטרים בסמלים נוצריים מובהקים; בתשובה אחרונה זו אינו מביא בחשבון כלל אותן קטגוריות מורחבות עליהן בסס את הדיון בתשובתו, כמו החשד שמתעורר על המחזיק צורות בביתו. וזאת למרות העובדה שהסמל הנוצרי הוא סמל חי, שיש בו לעורר חשד של ממש, בניגוד לדמויות האנושיות-גרידא שעטרו בהן מנורות וגביעים. מכל האמור, שפועלים כאן גורמים סובייקטיביים. אולם יש לציין שתשובה זאת כוללת התרסה כנגד מעשים עממיים שמקורם הטמא בולט לעין: "וכל שכן שלא יפה עושין הנשים הזקנות אשר נפש בהמה המה להן ומעת שנתערבו בעכו"ם למדו ומעשיהם הבל ותעתועים לעשות לתינוק חולי מן עיסה צורת אדם בגוף שלם ולהשליך לתוך המים...". ואף שאפשר הדבר שנוהגים אלו עוררו את זעם הרב עד כדי הכרעת דעתו

22 ראה סימנים ב' (תמיכה בשיטת הב"ח בהיתר אכילת חדש), ז (תמיכה ברמ"א באיסור האכלת בשר נבילה לפועלים נכריים), ט"ז.

23 סימן ט"ו.
24 טיבן המלאכותי של כמה מהשאלות שבספר זה מוריד רק מעט בערכן לעיונו. ויש להעיר שלפעמים (כמו בתשובה שתובא מיד) אפשר בקלות להציע השלכות מעשיות לשאלה, והמחבר עצמו מרמז על-כך. לשאלות ותשובות אלו אופי של בירור נושא על כל צדדיו, ולפעמים מרגישים חוסר בהירות בהעמדת השאלה שכאילו משיב עליה הרב. בעיה חשובה יותר מהווה הכמות הקטנה של תשובות בקובץ זה, שמונע הכללות בטוחות.

25 ראה גם סימן י"ז, שם קובע הרב (לפי הבנתי בדבריו המסכמים בסוף התשובה) שאשה המקיימת מצוה שנאסרה עליה (כגון הנחת תפילין) עוברת על איסור "בל-תוסיף".
26 סימן ט',

בעיה שניה חשובה לנו לא רק מנקודת ראות הטיעון אלא אף מבחינת המסקנה אליה מגיע הרב. מעשה שהיה באשה שאמרה לבעלה "מאיס עליך" בטענתה שמתחבר עם גנבים. ראשונה דן הרב בזכותה לבלאות ונכסי צאן ברזל כשמוחלת שאר כתובתה. כשבינתיים נתברר שהאשה צדקה בטענתה, ניגש הרב לדון בכח בית דין לכפות את הבעל לגרש. אמנם מודה הרב בגיבושה המקובלת של הלכה זו בשלחן ערוך — שאין כופים את הבעל לגרש אשה המורדת על בעלה.¹⁷ ברם הרמ"א פוסק שאם האשה מטעימה את דבריה בטענה מוצדקת, אזי היא זכאית בכתובתה, אף שעדיין "אין כופים את הבעל לגרש".¹⁸ וכאן יוצא הרב לחלוק על הפירוש שמפרש הרמ"א את מקורותיו ("נפלאתי על הרמ"א בזה... איך לא שת לבו לדברי רי"ף, רמב"ן ומרדכי"), ופוסק שכן כופים את הבעל לגרש את אשתו.¹⁹ מבין הרב היטיב שאין לסתור בנקל פסק הלכה שחתם עליו הרמ"א, ובמיוחד כשמיתרים אשת איש מבעלה בהוראה זו ועל כן מתנה הוא את הוראתו בהסכמת "חכמי הדור". אולם לא נמנע מלפרסם את הוראתו בכתובים.²⁰

הוראה זו — שכופים בעל לגרש את אשתו כשטענות צודקות בפיה — היה בה לחולל מפנה בפרשת גירושין בכלל, ולשנות את המצב החברתי במידה שהיא שקפה את המבנה ההלכתי. אמנם הרב אינו יוצא בתשובה זו לקבוע נהוג כללי, אלא לדון בשאלה הספציפית שהובאה לפניו, כרגיל בספרות שאלות ותשובות. ברם, אין להניח שלא הבין את המשמעות הרחבה של הוראתו וכיצד היא עלולה לחולל מהפכה בדיני גירושין וביחסים החברתיים המסתעפים מהם.

אולם שו"ת פרי תבואה אינה היצירה ההלכתית היחידה של ר' יהודה ליב מרגליות ששרדה לנו. בשנת תקל"ח (כשמונה-עשרה שנה לפני הופעת שו"ת פרי תבואה בתקנ"ו) הוציא לאור ספר קרבן ראשית, שרובו אוסף חידושים למסכת ראש השנה.²¹ בראש הספר הקדים "קונטרס התשובות" הכולל עשרים תשובות המבוססות — אם במישרין ואם בעקיפין — על המקורות שבמסכת זו.

העיון בקובץ צנוע זה מראה שהנטיית המתגלות בשו"ת פרי תבואה הן פרי התפתחות ממושכת, ושהרצון להקל גדל על הרב ברבות שנותיו. שהרי על אף הקיום המשותפים

17 ראה, H. Tykocinski, *Die Gaonischen Verordnungen* (Berlin, 1924), 4–34; טור ובית יוסף, אבן העזר, סימן ע"ז.

18 אבן העזר סימן ע"ז, סעיף ג'.

19 סימן ג (תחילת הדיון בס"י מ"ט).

20 שמושו של הרב במקורותיו במקרה זה מעורר תמיהון לא מועט. שהרי אינו טוען שיש להחזיר את המצב לנוהג ששרר בתקופת הגאונים (טיעון בלתי-אפשרי, כמעט, במסגרת התפתחות ההלכה הנורמלית). אלא מסתמך על תקנה שצטטה רב אלפס, פרשוה ראשונים, ונתגלגלה דרך תשובת מהר"ם רוטנברג להגתה הרמ"א בשלחן ערוך. אמנם התקנה שברב אלפס קבעה: "כד אתיא ואמרה לא בעינא ליה להאי גברא ניתיב לי גיטא, יהיב לה גיטא לאתיר ואי תפסה מידי מכתובתה מפקינן ליה מינה..." ברם כבר נתפרשו דברים אלה ע"י רבנו תם בהתאם לשיטתו הוא שאין כופים את הבעל לגרש. פירושו זה של רבנו תם ("ולא חש לפרש רצון הבעל דפשיטא... והמפרש בענין אחר משוינן טועה גמור") מובא במרדכי כתובות סימן קפ"ו, שעמד לפני הרב, וכן מובאים שם דברי רבי מאיר מרוטנברג, הנמשך אחרי שיטת רבנו תם הלכה למעשה אף כשהאשה באה וטענה ברורה בידה, וכן קבע רבנו אשר (כתובות פרק ה, סימן ל"ה). הרמ"א אינו אלא מאסף את דברי קודמיו. לא על הרמ"א, אלא איפוא, תלונות הרב אלא על רבנו תם, שהשוה לדברי הר"ף מובן שונה מזה שמצא בהם הרב מרגליות (שיכל היה, כמובן להסתמך על המסורת הגאווית בנדון, וכן בפירוש הרמב"ן לדברי הר"ף). אלא שאין בכחו של אחרון במאה ה"ט לחלוק על הוראת רבנו תם ור"ם מרוטנברג.

21 אני מצטט על פי הוצאה שלישית, תש"ל (מה' צילום, בני ברק).

מההלכה המעשית; מבוקשו רק הבעיה בה הוא עוסק, ואת ההשלכות לא הזכיר. אך אין ספק שהבין היטב את הטמון בשיטתו.

קטגוריה הלכתית אחרת בה דרש הרב מרגליות בדיקה קפדנית היא תקנות הקהל. לא התנגד, כמובן, להתקנת תקנות, וכן חייב נאמנות מסורה לתקנות שהותקנו מזמן. אלא מכיון שהתקנה היא בדרך כלל "תוספת או אפילו מנוגדת לדיון תורה", ראה צורך לדקדק שאכן נתקבלה באופן שאין ספק בכשרותה: יש לבדוק את מטרותיה, לשונה, וחתימתה — ורק אז לנהוג על פיה. בדיקה זו נחוצה אף לתקנות שנוהגים על פיהן הצבור מכבר. "יש לעיין בכל תקנה מבטן מי יצאה... היות מרכז תכליתה לשם שמים או לקלל (!)", לתת חתיתו בארץ חיים. ואפילו ניכר בחתימת התקנה תבנית ירו של אדם חשוב בזמן ההוא, הא לדעת כמה גדולים בעינין שתהיה מוסכמת לכל וחותרם יד כל אדם בה." וכן נחוי "שנדע שחתמו במעמד אחד ולא סגי במה שהלך השמש לכל אחד בפני עצמו שיחתום התקנה." ¹⁴ יש לעמוד, איפוא, על מטרות התקנה וכן יש לבדוק את מידת ההסכמה הצבורית שמאחורי התקנה. לא די בכך שנתקנה על-ידי אדם חשוב — נחוצה דעת הקהל. ואף שהתשובה כאילו דוגלת רק בעקרון שאין להישמע לתקנות-קהל שבסיסן החוקי רעוע כיון שלא עברו את התהליך הרצוי, נדמה שאף כאן מנסה הרב לפתוח פתח להגבלת גזירות ותקנות שנעזרו על היחיד והקהילה.

לשם הדגמת דרכו בהלכה הסובסטנטיבית, נעיין בב' בעיות בהן טפל המחבר. כבר רמזנו שהעלה לדיון את שאלת טלטול תינוק בשבת ברשות הרבים — נוהג עממי נפוץ — והתיר. מעניין לנו לעקב אחרי נימוקיו בנדון. ההוראה המקובלת בדורו יצאה לאיסור, וכן מפורשים הדברים במגן אברהם לש"ע. ¹⁵ אמנם ניתן היה לערער על פסק של בעל מגן אברהם, אף שבדרך כלל נתקבלו דבריו. אך חשובים לנו נימוקי הרב בהתירו יותר מההוראה עצמה. הוא טוען שמקובל שמה שנקרא בזמן הזה 'רשות הרבים' אינו אלא 'כרמלית' לפי ההלכה: ואף שבדרך כלל גוזרים "כרמלית אטו רה"ר", אין טעם לגזירה זו — שהרי כיון שאין רשות הרבים בנמצא כלל בימינו, אי אפשר לבא לעבור איסור תורה (טלטול ברה"ר) בזה שנתיר טלטול בכרמלית. והלכה לה איפוא, כל סיבה לגזירה. שוב רואים אנו כיצד בודק הרב בסיבת הגזירה, ותוך הצבעה על חולשתה קובע שאין לגזירה עצמה זכות קיום. כפי שציינתי כבר, לשיטה זאת השלכות רבות.

המשך דבריו אף הם רבות משמעות להבנת האיש ודרכו. מוסיף הוא לטעון שאין מקור תלמודי ברור לאיסור, ואף שמברייא אחת משתמע שאכן קיים איסור, "לא בפירוש אתמה לאסור אלא מדיוקא." והרי מובן שכל שיטה משפטית מתפתחת דרך דיוקים במקורותיה, ואף הרב אינו נמנע מלדייק במקורות. אך כאן, כשמצטרפים כמה טעמים להיתר, רואה הוא בדיוק — מבלי שישתור אותו כשלעצמו — סימן עניות ומקום תורפה. את דיונו הסובסטנטיבי מסיים הרב בטענה שאין גוזרים "גזירה לגזירה", ובפרט בשעת הדחק; נידון שלנו נקרא שעת הדחק, שאם תניח אשה עולה כאשר תלך לבית אביה בשבת איכא צערא לינוקא." ואמנם נמצא תקדים לרגישות זו — אם כי לא תקדים זהה לגמרי — אך ברור שדוקא בהפעלת רגישות זו כאן ובהרחבת התקדים מתגלה אופיו וגישתו של המשיב. ¹⁶

14 סי' מ"ז.

15 שו"ע או"ח סי' ש"ח, ובמג"א ס"ק ע"א. דעת מגן אברהם נתקבלה להלכה בספר חיי אדם, ובשלחן ערוך הרב מליאדי.

16 שבת קמ"א, ב; רש"י שם ד"ה בתינוק; תוס' קמ"ב, א, ד"ה וגשדינהו; רמ"א או"ח, שכח, יז; תוספות ביצה יב, א, ד"ה ה"ג לענין הוצאת קטן ביום טוב.

לציין שבמקרה בו דן הרב, היתר ואיסור ירדו כרוכים : מעשה שהיה באשה שנשתמדה או חורה בה — ובכל זאת התירו לבעלה לישא אחרת עליה. היתר זה נראה לו למחבר כבלתי מוצדק, ויצא חוצץ נגדו. ברור שהמונחים איסור והיתר אינם מצליחים לתאר את טיב המצב החברתי הזה, שהרי ככל שמרככים את הדין עבור הבעל, מחמירים במצב האשה. ועל כן יוצא הרב להחזיק בגדרות עולם. יש להניח שהחריפות בה דוחה הרב את טענות המתירים בתשובה זו נובעת מנטייתו הרגילה לחפש אפשרות להתיר ולבכר אותו כחא דהיתרא.⁹ כאן מרגיש הרב שאותו כח ההיתר החביב עליו הופעל למטרה הרסנית ובלתי-מוסרית — ועל כן תגובתו החריפה. ומסתבר שסוף דבריו רומזים להכרתו העצמית שיש לפעול להיתר אם רק אפשר לבסס את ההוראה על טענה — ולו רק אחת — המסתברת.

הטיעון להיתר חזק אצלו במיוחד כשבא להסביר ולהצדיק סטיות עממיות מהנורמה ההלכתית. בזה נוקט הוא לפי הכלל "ש" (במדי דרבנן) אין לבטל המנהג שנתפשט להיתר אפילו יש עליו דעת אחת יחיד בסומכי נפשו.¹⁰ לבעיית טלטול תינוק ברכות הרבים בשבת מקדים שאכן נהוג לטלטל תינוק והרי "הוא נמנע שיהיו רב העולם טועים ונכשלים בזה."¹¹ ואמנם מוצא הצדקה לנוהג ואף מתירו לרבים. את תשובתו מסיים הרב תוך פנייה למחמירים בנדון : החמרה כשרה, אולם "גם זה דוקא מי שהוא שם דרכו בדרך ה' בכל מעשיו, להיותו תחלה ירא וחרד לצאת ידי חובה. אבל ממי שאינו פורע החובה אין מתקבלת התוספת, וספחת היא אם לזאת יחרד לבו ופחד ופחת יהיה לו השאת תנוק בכרמלית, ובשאת עול מצות אחרות ילך אחר המיקל בלא כח דהיתרא... ותמים במעשיו חוץ מזו ילך בטח כי לא יבא הקב"ה בטרונא עליו." מגלה כאן הרב אותה שגאה לצבועים ומתחסדים, ואותה חיבה חמה לפשוטי עם שכבר עמדו עליהם מכתבי האחרים. וכן מסיים הוא דיון בבעיית מליחת עופות במתיחת בקורת כלפי המחמירים : "פליאה דעת[ם] ממני, מאין מצאו בזה לדרוש כמין חומר אם לא שסיבת הקנטור הניעתם וכיסה פני שכלם והצפין מהם תושיה."¹² דעות המחמירים אינם רק חסרי-הגיון, אלא הרי הם פרי מצב נפשי בלתי-טהור.

בכמה מתשובותיו נכנס המחבר לדיון בפרובלימטיקה של ביטול גזירות. כידוע, שמש נושא זה מוקד כבר בתקופת התלמוד ולאחריו בתקופת הראשונים. ואף מובן שכלל שמתרחקים מהתקופה בה נגזרה הגזירה, גוברת האפשרות שסיבת הגזירה אף היא תאבד עליה הכלה, ונשארת הגזירה בעינה אך בלי טעמה. בנתוחו עניין זה (אליו חזר פעמים מספר בספרו) מסכים המחבר שאין בטול טעם הגזירה גורר אחריו באופן אבטומטי בטול הגזירה עצמה — לכך דרושה עמידת חכמים למנין. אך בכל זאת — וכאן חידושו — אין כלל זה שולט בכיפה. הרב טוען שנחוץ בטול פורמלי לגזירה רק כשהאיסור בגללו נגזרה הגזירה היתה ברורה וודאית. ברם כשנגזרה גזירה רק משום "חשש איסור" מתבטלת הגזירה ממילא ומעצמה בהעדר אותו חשש.¹³ אמנם הרב אינו מעוניין להעביר תחת שבט-בקורת זה את הגזירות הרבות המהוות חלק נכבד

9 רובם של התשובות מסקנתן להיתר. ראה סימנים א, ב, ד, ז, ט, י"א, י"ב-י"ג, י"ח, כ"ב, כ"ג (כאן מצרף להיתר את הדעה שפורצין קשה נחשב ככלי אבן), כ"ז, כ"ח, ל"ב, ל"ו-ל"ז, ל"ח ל"ט, מ"א, מ"ג, מ"ט-נ, נ"ד. במיוחד מתנגד להסתבכות יתרה בחומרת ריתי לריעותא — ראה סימנים ל"ח, ל"ט.

10 סי' א.

11 סי' ז.

12 סי' י"ח.

13 סי' א. ויש לציין שבמקרה שלא נתבטל טעם הגזירה, פוסק הרב שנחוץ בית דין גדול מהראשון להתירה, כשיטת הרמב"ם: ראה סימן ל"ג בנוגע לתקנה שלא לבדוק ראות אלא להטריף "יען אשר קמו תרבות אנשים חטאים והיה השוחט ירא מפניהם."

חריגה מהרגיל בספרי שאלות ותשובות. אלא שגם ניצבים לעינינו אותן תשובות בהן תופסים מקום מכריע עקרון מהעקרונות שמנחים. אין כאן הסקת מסקנות כלליות, אך אפשר לאמר שקיימת גישה כללית. ונדמה שגישה זו מתאימה לאותו ר' יהודה ליב מרגליות הדורש הרחבת האופק התרבותי וההומאני של עמו.

קשה להכריז על עצמאות בתוך מסגרת מסורתית-נורמטיבית. לפעמים, משתמש הרב בכלים ריטוריים ידועים לשם הבעת נטייה זו: "ואף כי נפשי יודעת מאוד כי נגרע ערכי הרבה מערכי האחרונים... עם כל זאת גם לצעירי הצאן כמוני היום הנוח מקום להתגדר. ומה גם נגד ספרי הקצורים... רמה קרני בד' לבלתי היות נפש נראה רובצת תחת כל עפר נחת בפחד ופחת והאמת נבחר אחזתי".³ ואם פוסק הרב בתשובה זו לאיסור – ואין הרב פוסק תמיד להיתר, כמובן – הרי הוא בא להגן על השואל, ולעמוד מימינו כנגד התקפות מתנגדיו.

אך בדרך כלל, מצמיד הרב את ההכרזה על עצמאותו בדרישתו למעט את ההישענות על ספרי האחרונים. ולא רק קדמות המקור לעיניו, אלא אף צורת השמוש בו. הנה הוא קובע: "גדר דרכי בעדי מעולם, כאשר ישאל איש בדבר ד' זו הלכה למעשה, שלא להשגיח בדעת האחרונים בספר וספור, למיזל בתר רובא כסומא בארובה, אך אל זה אביט לברר שיטת הראשונים, איזה מהם יוכשר ומוסכם יותר לפי שיטת הש"ס ויותר קרוב לאמת ובלתי מוקשה, ונלכה באורחותיו".⁴

כמה נקודות עולות מתוך דיוק בדברים אלו. הרב מדגיש – הדגשה החוזרת אצלו – שסמכות האחרונים בכלל רופפת בעיניו לעומת סמכות הראשונים והתלמוד. הבחנה זו אינה, כשלעצמה, נדירה בספרות ההלכה וההוראה.⁵ אלא שכאן היא מלווה גינוי אלה שכן מסתמכים על ספרות האחרונים כחסרי ידע ומדריכים עוורים שאינם חודרים לגופי העיניים כלל ועיקר.⁶ יש לבכר, כאמור, את הראשונים והתלמוד עצמו. אך כאן במיוחד מתבטא אופיו של הרב, שהרי אף את דברי הראשונים אומר הוא להעביר בכור המבחן, בכדי להחליט דברי מי קרובים יותר לתלמוד עצמו, ובכלל איזה שיטה מהשיטות היא המסתברת וקרובה יותר לאמת. אין להמלט בדרך זו מהערכת השיטות הנבדקות, והערכה פירושה ביקורת. מובן מאליו שחכמי ישראל בדור זה לא קבלו על עצמם לפסוק הלכה תוך הערכת דברי קדמונים וקביעת "איזה מהם יוכשר ומוסכם יותר לפי שיטת הש"ס ויותר קרוב לאמת ובלתי מוקשה", כדברי המחבר שלנו.

כפי שצינתי כבר, נטה הרב למידת ההיתר. להיתר – אך לא לותרנות. לא חסרות תשובות בהן הוא פוסק לאיסור.⁷ ובתשובה אחת מתקיף הוא את החותרים להיתר בלי סמך במקורות: הרב בא "לחזק בריחי שער האמת ועמודי גדרות עולם בל יתפלצון... ולא אל מידת ההיתר אפנה ואותה אבקש אך מרכז האמת לא אסור מגי עיני לנכחו יביטו כי בו הפצתי, ואל המקום אשר יפול שם האמת עיני ולבי שם יהיו... ואם כי ארזו"ל כחא דהיתירא עדיף, העדפה ע"י הדחק לא שמה העדפה, כי... תנאי התנו אם בכח יגבר איש ופעלו יהיה לו ידים ורגליהם להיתר...".⁸ האמת, איפוא שוב משמשת נר לרגלי המחבר, ואף כשהוא בא מצד חומר הדין. אולם יש

3 סי' ל. וכן ראה סי' מ"א, ל"ח.

4 סי' כ"ה. וראה סי' א, ט"ו, ל"א, ל"ח.

5 ויש להעיר שהרב פוסק בהרבה מקרים תוך הסתמכות על האחרונים; ראה, לדוגמא, סי' מ"א. אך על פי רב מנסה הוא לבסס את דבריהם על מקורות קדומים יותר.

6 השוה סי' א.

7 ראה סי' ח, ט"ו, ל"ג, מ, ס"ד (כאן הוא סוטה מנהגו שלא לכתוב בחול המועד בכדי להורות איסור במקרה תערובת בפסח).

8 סי' ל"ה.

הרב יהודה ליב מרגליות כבעל הלכה

יעקב בלידשטיין

אוניברסיטת הנגב

זה מזמן הכירו חוקרי דברי ימי ישראל בר' יהודה ליב מרגליות (1747–1811) את אחד מראשוני תנועת ההשכלה. אמנם התנגד מרגליות ללימוד פילוסופיה וחשש לסכנה האורבת ליהדות המסורתית ממקצוע זה, וכן התקיף את מנדלסון על כמה מדעותיו המובעות ב"ירושלים". אך מאידך, שוחר מדע היה ודרש מבני עמו שיאמצו להם את הידע הכללי. כמו־כן סלדה נפשו מהשחיתות המוסרית שקננה בצמרת החברה היהודית והתריע על כך בדרשותיו וספריו. אי־לכך, מכתירו ר' מאהלר (על אף היותו "אדוק במסורת" ושמרני בדעותיו) כאחד מ"מבשרי ההשכלה" החשובים.¹

מעניינת אותנו כאן השאלה, אם ובאיזה מידה תואמת גישתו של הרב מרגליות לבעיות הלכה את נטיותיו הכלליות, כפי שהן מצטיירות בספריו שבמוסר וחכמה. שהרי דוקא בשטח ההלכתי ניתנה לו ההזדמנות לטפל בצורה מיידית ואקטואלית בשאלות ממשיות שעמדו על הפרק, וכן לקבוע עמדה במקצוע זה שהגדיר בצורה בולטת ומוחשית את חיי היהודי. ואמנם פנו לו לרב מרגליות בשאלותיהם בהלכה גם תלמידיו גם חבריו, וכן הדריך את בני הקהילות בהן שמש רב. ומעניין הדבר שאף אחד מהחוקרים שתארו את דמותו הרוחנית — אינטלקטואלית של אדם גדול זה, לא השתמש בספרו "שבהלכה" — שאלות ותשובות פרי תבואה — למטרה זו.²

באופן כללי, יש להקדיש מראש שר' יהודה ליב מרגליות אינו סולל דרך חדשה ומהפכנית בשדה ההלכה. מצוייד בכלי הבקיאות והחריפות שהיו נחלת דורו, נגש למלחמתה יל תורה. אך מאידך, מעלה בדיקת תשובותיו שרטוטים המשלימים את פרצופו הרוחני כפי שהכרנוהו מכתביו האחרים. מתגלה הוא כחכם השואף — במידה הרצויה לו לאדם הנאמן לדיסיפלינה ההלכתית — להשליט את הנועם שבהלכה על החומר שבה, ואינו נמנע מפסקי הלכה המתנגדים לשיטות מקובלות. נטייה זו מדגשת כשבא להגן על מנהגי ישראל המקילים, לכאורה, על הנורמה המחמירה. ואם אין הרב פורץ גדרים מבחינה מתודולוגית, מכריז הוא ביודעין על עצמאותו הוא, ועל מטרותיו כפוסק הלכה. הוא מתריס כנגד הישענות על פוסקי הלכה מאוחרים, ודורש בסוס ההלכה על התלמוד וגדולי הראשונים. ואף קורא לבדיקה של כלי התחיקה שיצרו הלכות ונוהגים — תקנות קהל וגזירות חכמים — לראות באיזה מידה עומדים הם בתוקפם.

מתודולוגיה זו אינה מפותחת באופן שיטתי, וכמו כן אין הרב משתמש בו בעקביות. בהרבה תשובות סוטה הוא בעצמו מהעקרונות שעליהן הכריז; כמעט ואין להרגיש

1 ר. מאהלר, דברי ימי ישראל דורות אחרונים, מהד' ב', כ"א ס"ד, ע' 44–40; י. צינברג, תולדות ספרות ישראל, ג', מע' 314; ה', מע' 137.

2 חלק נכבד מכתביו ההלכתיים של מרגליות נשארו בכ"י. על שו"ת פרי תבואה (נאווי־דוואהר, תקנ"ו) ראה בן־יעקב, אוצר הספרים, ע' 496.

מפת ערי הכהנים בימי בית שני



• ערי הכהנים
לפי יהושע כ"א

▲ ערי הכהנים מימי
שיבת ציון ועד תקופת
החשמונאים

* ערי הכהנים בתקופת
החשמונאים
ועד לחורבן הבית



שירר⁹³ מקדיש לנושא שלנו שורות מעטות ומציין רק שלש ערי כהנים — מודיעין, בית פאג'י ובית הכרם. ביכלר⁹⁴ מקדיש פרק מיוחד לכהנים שמחוץ לירושלים, אבל אינו מוסיף על רשימתו של שירר אלא שש ערי כהנים — בית שמש, גופנא, בית צבועים ובית מקושש, יריחו וציפורי. רשימתנו כולל שבע עשרה ערי כהנים ואין לראותה קבועה וסופית, כי הידיעות שליקטנו מן הספרות התלמודית הן מקריות ומזכירות את הנושא שלנו רק בדרך אגב. יש איפוא, לראות בזה נושא שצריך להפוך בו עוד ועוד.

93 כרך ב', עמ' 297 הערה 64.

94 הכהנים ועבודתם בתרגום עברי, ע"ע 119-154.

(יז) ציפורי

בשנים שלאחר החורבן ישבו בערי הגליל כל כ"ד משמרות הכהונה, אבל בזמן שבית המקדש היה קיים אנו יודעים רק על עיר אחת של כהנים — צפורי, בירת הגליל. על המעשה ביוסף בן אולם מציפורי מסופר חמש פעמים במקורותינו⁸⁹ וכנראה בזה היה מאורע חשוב עד כי יוסב"מ ראה לנכון לספרו גם לנכרים; הוא משלב ספור זה בתאור ההוללות וההפקרות של הורדוס וחצרו כדי להבליט את טהרת המשפחה בישראל, ואומר: "90 בימי כהונתו של מתתיהו זה אף אירע שמונה כהן גדול אחר ליום אחד, היום שהיהודים צמים בו. וזה טעמו (של דבר): למתתיהו הכהן נראה בחלום בלילה שלפני הצום שנדווג (לאשה), ומשום כך לא יכול לשרת ככהן, וכיהן אותו יוסף בן עליס קרובו."

אם נצרף את חמשת המקורות שלפנינו על מאורע זה נקבל את הספור הבא: אמר ר' יוסי: מעשה ביוסף בן אולם מציפורי. שאירע בו קרי בכהן גדול ונפסל לשמש בכהונה ומינו את יוסף בן אולם לשמש תחתיו. כשיצא אמר למלך: פר ושעיר שקרבו היום משלמי היה — משלי או משל כהן גדול. ידע המלך מה אמר לו (אם יאמר שהקרבתו של יום הכפורים היו משל יוסף בן אולם סימן שהוא ששימש ככהן גדול כחוק, ולא כממלא מקום, וימשיך בכהונה הגדולה) אמר לו (המלך): מה זה בן אולם, לא דייך ששימשתה תחת כהן גדול לפני מי שאמר והיה העולם ואתה מבקש ליטול לך כהונה גדולה? ! באותה שעה ידע בן אולם שהוסע מן הכהונה.

חז"ל הסבירו את ההחלטה של המלך: ⁹¹

"ובא מעשה לפני חכמים ואמרו ראשון חוזר לעבודתו, שני אינו ראוי לא לכהן גדול ולא לכהן הדיוט, כהן גדול משום איבה, כהן הדיוט משום מעלין בקודש ולא מורידין." ועוד מעשה בכהן מציפורי.⁹²

"כל ימים שהיה שמעון הצדיק קיים היתה ברכה משולחת בשתי הלחם ובלחם הפנים והיה נופל לכל אחד ואחד עד כוית, ויש מהן שהיו אוכלין ושבעין ויש מהן שהיו אוכלין ומותירין. משמת שמעון הצדיק ניטלה ברכה משתי הלחם ומלחם הפנים והיה נופל לכל אחד ואחד מהן עד כאפון. הצנועים היו מושכין את ידיהן והגרגרים היו פושטין את ידיהן. מעשה בכהן אחד בציפורן שנטל חלקו וחלקו חברו והוא היה נקרא בן האפון עד היום."

לפי שני הספורים נראה שכהני ציפורי לא הצטינו במידת הצניעות.

אם נבוא לסכם איפה ישבו הכהנים בימי בית שני נקבל את מפה זו של ערי הכהנים:

(א) מימי שיבת ציון ועד מלכי בית חשמונאי:

מוצא, מצפה, בית הכרם, ביתר, כפר חבתא, פיכולה, בית פאגי, בית שמש, מודיעין, בית צבעים, בית מקושש.

(ב) בימי מלכי בית חשמונאי ועד לחורבן הבית:

(1) בתחום ששחרר מידי הכותים: גופנא, בית רימה, צרידה, כפר ברקאי.

(2) בערבות יריחו: בעיר ובסביבתה.

(3) בהר המלך (ינאי): כפר עותנאי.

(4) בגליל: ציפורי.

89 תוס' יומא א', צוק, 180 (14); ירוש' הוראת פ"ג, ה"ב; מגילה פ"א, ה"ה; בבלי יומא

י"ב, ע"ב; מגילה ט', ע"ב.

90 קדמי. י"ז, ר', ד' (166).

91 מגילה ט', ע"ב.

92 ירוש' יומא פ"ו, ה"ג.

שנפלו במלחמות הממושכות שניהלו כאן מלכי בית חשמונאי, אדמותיהם של אלה שפינו ואלו שנפלו בקרב עברו לרשותו של יוחנן הורקנוס והפכו לארסות שלו. חז"ל מדברים על ישובי הר-המלך שבדרום בהפרזה רבה, הם מזכירים שלש עיירות: כפר ביש, כפר שיחליא וכפר דיכריא שיושבי כל אחת מהם היה כפליים כיוצאי מצרים.⁸⁴

על מורדותיו המערביים של הר חברון ועל גבעות השפלה פוזרות חורבות לעשרות של ישובים מהתקופה ההלניסטית והרומית; מרביתן עוד לא נחקרו כלל. הן מעידות על אזור חקלאי מפותח ועל ישוב צפוף. אין ספק שהרבה מן הנחלאות שבאזור זה היו משל כהני ירושלים אולם בכל מקורותינו לא מצאנו זכר לישוב כהנים שישבו בהר המלך (הורקנוס).

מקורותינו על הר המלך (ינאי) אינם עשירים ביותר. מלחמתם של מלכי בית חשמונאי בכותים היתה ממושכת ועקובה בדם, לא פחות מאשר מלחמתם באדומים. ינאי המלך הביא מלחמות אלו לכלל גמר מוצלח כשכבש את המורדות המערביים של הר אפרים ואת ישובי הכותים על הכרמל. הוא יסד כאן י"ג עיירות והושיב בהן יהודים, במרכזו של אזור זה הקים את העיר ממנה צריך היה לשלוט על הארץ הכבושה וקרא לו בשמו בית-ינאי.

גם הוא נהג כאביו וראה בארץ הזאת נחלה שלו, וחלק קרקעות למקורביו הכהנים. הידיעות במקורותינו על הישוב החדש בהר המלך (ינאי) הם מוגזמים ומופרזים, נאמר: עשרת אלפים עיירות היו בהר המלך ולרבי אלעזר בן חרסם אלף מכולן.⁸⁵ רבי אלעזר בן חרסם היה כהן גדול וקבל בירושה הון רב, ובוה גם נחלאות אבותיו בהר המלך (ינאי), אבל הוא ישב כנראה כל ימיו בירושלים. רק שם אחד של ישוב כהני ידוע לנו בהר המלך (ינאי), —

(טז) כפר עותנאי

"מעשה בשמיעה איש כפר עותנאי שהיה בידו לגין מלא מִי־חטאת והגיף את הדלת שמפתח טמא טמא־מִת תלוי בה, ובא ושאל את רבן יוחנן בן זכאי ואמר לו: שמעיה, צא והזה את מימך,"⁸⁶ כלומר — התיר לו להזות מי חטאה.

יש להניח שהיו עוד ישובי כהנים בהר המלך, אולם מקורותינו לא הזכירום. כפר עותנאי (עותני) ידוע כישוב גבול בין הגליל לשמרון, כמו אנטיפטריס בגבול יהודה.⁸⁷

לאחר מלחמת בר-כוכבא הציבו הרומאים בכפר עותנאי חיל משמר, את הלגיון הששי פראטה — לגיון הברזל, כי המקום עומד בפתחו של נחל עירון (ואדי ערה) ביציאה לעמק יזרעאל. בגלל הלגיון הוחלף שם המקום ללגיו ומכאן השם הערבי לג'ון.⁸⁸

84 ירוש' תענית ד', ה'; גטין נ"ז, ע"א; איכ"ר ב', ה'.

85 ירוש' תענית ד', ה'.

86 תוס' פרה י', ב; צוק. 638 (32).

87 גטין ז', ז'. ... היה הולך מיהודה לגליל, הגיע לאנטיפטריס וחזר. ... היה הולך מגליל

ליהודה והגיע לכפר עותנאי וחזר. ...

88 ר' מ. אבי יונה, גיאוגרפיה היסטורית של ארץ ישראל, תש"ט, עמ' 62.

גמזיות של הקדש.⁸⁰ מבחינת החוק הפרי שייך לעץ ואם העץ מוקדש לשמים גם הפרי מוקדש. העץ שייך לבעל הקרקע ומנקודת ראות חוקית לא צדקו האריסים, אבל מה לא יעשה אדם כשהוא רעב, והאריסים בבקעת יריחו עניים היו ורעבים, למרות פוריותה המופלגת של בקעה זו.

עוד שתי עדויות בידינו על כהנים ביריחו. והם מתוך מגילת הנחושת שנמצאה במערות מדבר יהודה, בה נרשמו המחבואים של אוצרות בית המקדש כאשר ברכוכבא נאלץ לסגת מירושלים.⁸¹

בפסקא כ"ח של המגילה אנו קוראים: בצד המערבי של משכן המלכה (בעומק של) שש עשרה אמות טמון (אוצר של) 27 ככרים.

המלכה היחידה בתקופת שיבת ציון היא שלומציון, ששלטה בירושלים בשנים 67–76 לפנה"ס. למלכי בית חשמונאי היה ארמון ביריחו, שנוכל לאתר את מקומו, פחות או יותר. יוסף בן מתתיהו מספר,⁸² כי הורדוס בנה בעיר יריחו, בין מצודת קפרוס ובין ארמון המלך הישן ארמון חדש וטוב מן הראשון. הארמון הישן הוא ארמון החורף של מלכי בית חשמונאי. את ארמונו של הורדוס אנו מכירים מן החפירות בשנים 1950–1952 בתל בית ג'בר א־תחתני. קפרוס הוא במרחק של חצי ק"מ בערך, מערבה בדרך העולה לירושלים, בגדתו הימנית של ואדי־קלת. לפי זה היה הארמון הישן כחצי ק"מ מזרח לבית ג'בר א־תחתני. המעשה של הורדוס, שהטביע את גיסו הכהן הגדול אריסטובולוס הצעיר בברכה הנקראת עתה ברפת מוסה, אף הוא מוליך אותנו לסביבה זו. יוסף בן מתתיהו קורא לו "ארמון המלך הישן", ואילו המגילה מזכירה את "ארמון המלכה". כי מבין מלכי בית חשמונאי בנה את הארמון הזה איו לדעת, אבל יתכן שהדיירת המלכותית האחרונה בו היתה המלכה הזקנה שלומציון אלכסנדרה. היא מתה בשנת 67 או 66 לפנה"ס. בשנת 65 אחה"ס עוד עמד הבית על תלו וכנראה שיוסף בן מתתיהו הכירו. המגילה היא משנת 135 אחה"ס ויש להניח שבניה מלכותית נאה באבן, יכלה לעמוד 170–200 שנה.

על המחבוא השני נאמר בפסקא כ"ט: בסוללת העפר שבמעבר (בנחלת) הכהן הגדול חפור בעומק של תשע אמות ... ככרים.

אמרנו שדיעה זו היא מימי ברכוכבא, אולם יש להניח שנחלתו של הכהן לא באה לו בדור שלאחר החורבן, בשנים שמרבית הכהנים מירושלים נדדו והתישבו בערי הגליל, היא עברה לו בירושה מאבותיו הכהנים המיוחסים,⁸³ מימי מלכות בית חשמונאי.

השם "הר המלך" ניתן במקורותינו לשני אזורים: האחד בדרום ובדרום מערב והשני בצפון-מערב. את האזור האחד כבש יוחנן הורקנוס ולכן נקרא לו הר המלך (הורקנוס). ואת השני כבש ינאי המלך ולכן נקרא לו הר המלך (ינאי).

בהר המלך (הורקנוס) ישבו האדומים מאז שגורשו על-ידי הנבטים ממולדתם בהר שעיר. יוחנן הורקנוס הכניע אותם והציע בפניהם ברירה — להתגיר ולהשאר בעריהם או לפנות. יוסף בן מתתיהו מספר כי האדומים בחרו באפשרות הראשונה והתגיירו. אולם ספק אם זה חל על כולם, ודאי היו רבים שלא ויתרו על דתם. היו גם רבים

80 פסחים ד', ה.

81 על המגילה ואוצרות בית המקדש ר' ספרי מגילת הנחושת ממדבר יהודה, הוצ' קרית

ספר, תשכ"ד.

82 מלח. א', כ"א, ד.

83 ומכאן תארו המכובד — הכהן הגדול.

יריחו לרכושו של יוחנן הורקנוס והוא יכול היה למסור אותה למקורביו הכהנים ושרי הצבא. מאז החל פתוחה של הערבה, שהפכה למחוז הפורה ביותר במדינה.⁷³ תענית כ"ז ע"א: עשרים וארבע משמרות בארץ ישראל ושתים עשרה (מהן) ביריחו... הגיע זמן המשמר לעלות חצי המשמר היה עולה מארץ ישראל לירושלים וחצי המשמר היה עולה מיריחו...

הבבלי דן באוכלוסיה הגדולה של כהנים ביריחו, הירושלמי⁷⁴ מרחיב את הנושא על האוכלוסיה כולה של יריחו:

"התקינו הנביאים הראשונים עשרים וארבע משמרות על כל משמר ומשמר היה עומד בירושלים של כהנים ושל לויים ושל ישראלים. תני עשרים וארבע אלף עמוד מירושלים וחצי עמוד מיריחו. אף יריחו היתה יכולה להוציא עמוד שלם אלא בשביל לחלוק כבוד לירושלים היתה מוציאה חצי עמוד.

בלשון ימינו היינו אומרים — כשהגיע זמנו של משמר מסויים לעלות לירושלים לעבודה בבית המקדש מחצית ממספר האנשים היה בא מערי הכהנים השונות בארץ ומחציתו מיריחו. מכאן נמצאנו למדים שכהני יריחו לא השתייכו למשמר אחד, היו שם כהנים מכל עשרים וארבע משמרות הכהונה.

הכהנים ביריחו, כמרבית הכהנים בדורות האחרונים של ימי בית שני, היו צדוקים, אבל למען דרכי שלום קבלו עליהם מרות של חכמי הפרושים ונהגו לפי הוראותיהם. חכמי הפרושים קבעו: אין נותנין פאה לירק. בין המסורות על הנהגה בין אנשי יריחו כלול הספור הבא,⁷⁵ שאף אותו עלינו לייחס ליריחו ולכהניה: מעשה בבנו של בוהיין שנתן אביו פאה ללפת ובא ומצא עניים עומדים על פתח גינתו. אמר להם: בני לא נחוש לדברי חכמים?! השליכו מה שבידיכם. השליכו מה שבידן. ונתן להם כפליים במעושר. ולא שעינו צרה אלא שחשש לדברי חכמים.

על היחסים בין הכהנים בעלי הנחלאות בערבות יריחו לבין האריסים שלהם, נשתמרה בספרותנו העדות הבאה,⁷⁶ והפעם בפי איש מן הצד, לא כהן ולא אריס, כי אם חנווני מירושלים בשם אבא שאול בן בטנית וניתן לאמר עדות אוניקטיבית, וזו לשונה:

"אבא שאול אומר: קורות של שקמה היו ביריחו והיו בעלי זרועות⁷⁷ נוטלין אותן בזרוע עמדו בעלים⁷⁸ והקדישום לשמים. אמרו: לא הקדישו בעלים לשמים אלא קורות שקמים בלבד.⁷⁹ כאן באה לכלל בטוי מלחמת מעמדות בין בעלי הנחלאות לבין האריסים. בקשו האריסים להתחכם על בעלי הקרקע והקדישו את הגזעים של עצי השקמה לשמים, את הפרי לא הקדישו. חז"ל התרעמו עליהם על שהם "מתירין

73 תאור הערבה וחקלאותה הפורחת ר' מאמרי: "ערבות יריחו בפריחתן" בספרי "גלילות במולדת" תש"ז, ע"ע 87-112.

74 פסחים פ"ד, ה"א.

75 תוס' פסחים ג', צוק. 160 (14). בשנויים קלים נמצא ספור זה גם בתלמוד. (פסחים נ"ז, ע"א וירוש' סוף פרק ד').

76 תוס' מנחות י"ג; צוק. 533 (30); תוס' זבחים י"א, צוק. 697 (4); פסחים נ"ז, ע"א; ירוש' פסחים פ"ד, ה"ט.

77 "בעלי זרועות" בנוסח אחר "בעלי אגרוף" והם הכהנים בעלי הקרקע, וזאת אנו למדים מבריתא קודמת בדבר הבעלות על עורות הקרבנות; שם נאמר במפורש "היו גדולי כהונה באין ולוקחין אותן בזרוע. עמדו בעלים והקדישום לשמים.

78 "בעלים" — כאן הכוונה לאריסים ולא לבעלי הקרקע, כי לפי השקפתו של אבא שאול, העצים היו שייכים להם ולא לכהנים, בעלי הקרקע.

79 תוספת זו באה רק בנוסח שבתוס' מנחות י"ג, צוק. 53 (30).

עירו של יששכר הכהן⁶⁹ מוזכרת פעם אחת בדברי יוסב"מ כנקודת גבול של יהודה ושמרון ושם היא נקראת ענות ברקאי. את כפר ברקאי מזהים בחרבת ברקית, בצפונו של עמק לבונה. השם נשתמר גם במעין — עין-ברקית. בתקופה הערבית עמד כאן חאן בשם חאן א-סויה, היום כפר בשם זה. ג.צ. 7/174.165.

(טו) ערבת יריחו

חז"ל הרבו לספר על גדולתה של יריחו ופוריותה. יריחו לא היתה עיר גדולה מוקפת חומה, כמו ירושלים או צפורי, ואם הכתוב מספר על פוריות ודאי שאין הכונה לרחובות העיר ובתיה, כי אם לאזור החקלאי, לנחלאות של הכהנים המיוחסים והאריסים שעבדו את האדמה וחיו בישובים קטנים שהיו מפורזים בין השדות והמטעים.

בימי בית שני היתה בקעת יריחו מפותחת הרבה יותר משהיא כיום; רשת ענפה של אמות מים מן המעינות שבבקעה ומן המעינות שבהר משכו את המים אל השדות והפרדסאות. היום נראית לנו הערבה מדרום ליריחו כמדבר שממה אבל בחלקה הגדול היתה גם היא מעובדת, כי החקלאים העברים ניצלו את מי השטפונות העוברים דרך נחלי המדבר, הם הקימו סוללות וסכרים חפרו ברכות והזינו את משקם ממי נגר אלה במשך כל השנה, עד לשטפון הבא.⁷⁰

על כבושה של בקעת יריחו וצרופה למדינת יהודה מסופר:⁷¹

תלמי בן חבובו⁷² הופקד שר צבא בבקעת יריחו והיו לו כסף וזהב הרבה, כי היה חתן הכהן הגדול. ויגבה לבו ויחפץ לכבש את הארץ ויועץ במרמה על שמעון ועל בניו לאבדם. ושמעון היה עובר את הערים אשר בארץ וידאג לצרכיהן וירד ליריחו הוא ומתתיהו ויהודה בניו בשנת שבע ושבעים ומאה בחדש אחד עשר הוא חודש שבט. ויקבל אותו בן חבובו במרמה אל המבצר הנקרא דוק, אשר בנה, ויעש להם משתה גדול ויחבא שם אנשים. וכאשר השתכר שמעון ובניו קם תלמי ואשר אתו ויקחו את נשקם ויבואו אל שמעון אל המשתה ומיתו אותו ואת שני בניו ואחדים מנעריהו. יוחנן הורקנוס, בנו של שמעון בא לנקום את דם אביו ואחיו. התגבר על תלמי, הבריק אותו מן הארץ וספח את מחוז יריחו אל ארץ יהודה. לפי המקובל בימים ההם, הפכה בקעת

שהוא מקריב קרבנות כל יום ויודע בהלכות קרבנות. קראו לו ושאלוהו. אמר להם: הגדי יאה. וכשאמר זאת עשה תנועת בטול בידו (כלפי המלך). אמר המלך: כיון שהראה בידו בבטול — יקצצו את ידו הימנית. נתן שוחד ויקצצו את ידו השמאלית. שמע (זאת) המלך וציוה לקצץ גם את ידו הימנית. אמר ר' יוסף: ברוך השם שהעניש את יששכר איש כפר ברקאי כפי שהגיע לו. אמר רבי אשי: הוא לא למד שכבשים קודמים לעזים בכל מקום (ויקרא ד', לב). יכולים לאמר — מפני שהם מובחרים, למדנו (ויקרא ג', ז וי"ב) ואם כבש... מלמד ששניהם שקולים כאחד, ובכל זאת כבשים קודמים. אמר רבינא: אפילו מקרא לא למד, כי כתוב ואם כבש ואם עז — הקדים כבש לעז.

69 ספק אם יששכר זה היה כהן גדול, שהרי ינאי היה הכהן הגדול והמלך כאחד. שמחוני, בתרגומו למלחמות עמ' רל"ב, מעיר כי בסוף ימי בית שני היתה הכהונה הגדולה בידי מספר משפחות מיוחסות — ביתוס, פיאבי, קמחית, חנן ועוד וכל חברי המשפחה נקראו "כהנים גדולים".

70 על אגירת המים בישובים שבדרומה של ערבת יריחו ר' בספרי "מגילת הנחושת",

עמ' 19.

71 חשמ"א ט"ז, יא-יח.

72 אין בידנו פרטים נוספים על תלמי בן חבובו. מכיון שהיה חתנו של שמעון מסתבר שהיה יהודי, אחרת לא יובן שנשיא וכהן גדול ישיא את בתו לנכרי. אולי היה מן המתיונים שהעמיד פנים שלבו עם החשמונאים ויחד עם זה היה בדעתו להדיח אותם ולקבל מאנטיוכיה נציגות על כל ארץ יהודה.

שטמא, שנאמר: ⁶² 'תנור וכירים יתץ טמאים הם'. א"ל: אם כן היית נוהג לא אכלת תרומה טהורה מימך.
מבית רימה היו מביאים יין למזבח.⁶³
היום — הכפר בית-רימה, 5 ק"מ ממזרח לבית לבן, שאף ממנה נלקח יין למזבח.
נ.צ. 6/160.160.

(יג) צרידה

יוסי בן יועזר, מגדולי החכמים מבני הזוג הראשון, תלמידו של אנטיגנוס איש סוכו, היה כהן, שנאמר עליו "יוסף בן יועזר היה חסיד שבכהונה".⁶⁴ בן אחותו היה יקים איש צרורות,⁶⁵ הוא הכהן הגדול המתיוון אלקימוס.⁶⁶
עירו של ר' יוסי נזכרת בדרך אגב: "העיד רבי יוסי בן יועזר איש צרדה על איל ה.י.ק. לוריא (מ"א) — 10
קמצא (מין חגב) דכי (שהוא טהור ומותר לאכילה) ועל משקה בית מטבחיא דאנון דכין (משקה בית המטבחים שבעזרה, והוא הדם היוצא משחיטת הקדשים וכן המים שמשתמשים בהם בעזרה שהם טהורים ואינם מקבלים טומאה).
את צרידה מזהים בח'לת צרידה. השם נשתמר גם בואדי צ'רידה, העובר מדרום לדיר-בלוט, נ.צ. 6/155.163.

(יד) כפר ברקאי

עיר כהנים על גבול ארץ הכותים ידועה לנו מספור מימיו של ינאי המלך וזו לשונו: ⁶⁷ "ארבע צווחות צווחה העזרה... צווחה רביעית פתחו שערים והוציאו יששכר איש כפר ברקאי שמכבד עצמו ומבזה קדשי שמים. מאי הוי עביד. הוזה כריך שיראי על ידיה והוזה עביד עבודה. מאי סליקא ליה. ינאי מלכא ומלכתא הוו יתבין. מלכא אמר גדיא יאי ומלכתא אמרה אימרא יאי. אמרו נשייליה ליששכר איש כפר ברקאי דכהן גדול הוא וקים ליה קדירה. שייליהי (דמקריב קרבנות כל יומא וקים ליה בגווייהו קראהו ושייליהו — שיטה מקובצת) א"ל אי גדיא יאי ייסק לתמידא בהדי דאמר אחוי בידיה. אמר להון מלכא הואיל ואחוי בידיה קוצו לידיה דימינא. יהיב שוחדא קציוה לידיה שמאלא. שמע מלכא אמר ליקצו נמי לידו דימינא. אמר רב יוסף: בריך רחמנא דשקליה ליששכר איש כפר ברקאי למטרפסיה. אמר רב אשי ולא הוה תני ליה דתנן כבשים קודמין לעזים בכל מקום. יכול מפני שמובחרין ת"ל ואם כבש מלמד ששניהם שקולין כאחת. רבינא אמר אפילו מקרא נמי לא קרא דכתיב אם כשב אם עז."⁶⁸

62 שם, שם לה.

63 מנחות ח', ו.

64 חגיגה פרק ב', משנה ז'.

65 ש. קליין, ארץ יהודה, עמ' 45, הערה 23 קורא צרורות = צרודות והוא כנוי לגנאי לצרדה.

66 מכאן שאחותו של יוסי נשאה לכהן, לפי הנוהג במשפחות הכהונה.

67 כריתות כ"ח, ע"א וע"ב. ספור זה נמצא גם בפסחים נ"ד, ע"א, בשנויים קלים ולא נזכר שם ינאי המלך.

68 תרגום: וכי מה עשה? היה עוטף ידיו במשי (כדי שלא ללכלך אותן בבשר ודם) ועובד את העבודה. וכיצד נענש? ינאי המלך והמלכה היו יושבים (ומתוכחים): המלך אומר גדי יאה (לקרבן תמיד) והמלכה אמרה — כבש. אמרו: נשאל את יששכר איש כפר ברקאי,

(יא) גופנא

הגדולה בערי הכהנים בהר אפרים היתה גופנא. עליה מספר ר' יוחנן: ⁵⁶ שמונים זוגות אחים כהנים נישאו לשמונים זוגות אחיות כוהנות בלילה אחד בהדא גופנא, חוץ מאחים בלא אחיו תמאחיות בלא אחים.

גם אם נסתייג מלשון ההגזמה שבספור עוד יהיה מקום להנחה שבגופנא היו הרבה משפחות כהנים ושהקפידו על ייחוסם ועל טהרת המשפחה וקימו את המנהג להתחתן ביניהן.

בזמן המלחמה הגדולה לא נטו רבים מן הכהנים לקנאים ובקשו להמלט מן העיר הנצורה. ועל כך מספר יוסב"מ: ⁵⁸ היו... שהמתינו לשעת כושר להימלט בביטחה ונמלטו אל הרומאים. ביניהם היו הכהנים הגדולים יוסף ויהושע, ושלושה מבניהם של כהנים גדולים, והם: שלשת בניו של ישמעאל כהן גדול... ארבעה בני מתאי, ובן אחד של מתאי אחר... ורבים אחרים, אף הם בני האצילים, עברו יחד עם הכהנים הגדולים. הקיסר הראה להם כל אותות נדיבות, ולא עוד אלא הכיר שישבתם בין נכרים תהיה להם לתועבה, עמד ושלה אותם לגופנא, ויעץ להם להשאר שם לפי שעה והבטיח להחזיר לכל אחד מהם את רכושו, מיד לאחר שימצא מנוח לאחר המלחמה.

הישוב הכהני בגופנא התקיים גם לאחר החורבן, כפי שאפשר ללמוד משרידים ארכיאולוגיים שנמצאו בבית הקברות העתיק של העיר — ארונות קבורה מהמאה הראשונה והשנייה לספירה. על אחד הארונות כתוב: "יהודה בר אליעזר" ועל אחר, ביונית — שלומי בת יקום. על מערת קברים אחת כתוב השם "בילגה". אלעזר ושלומי הם שמות מצויים בין הכהנים. יקום או יקים, הוא משמר הכהנים הי"ב ובלגה — המשמר הט"ו.

השם העתיק גופנא נשתמר בכפר הערבי ג'יפנה, 6 ק"מ מצפון לרמאלה, נצ. 10/171.152.

(יב) בית רימה

על כהן שישב בבית רימה בשנים שלאחר חורבן מסופר: ⁵⁹

"מעשה באדם אחד בבית רמה שהיה נוהג בעצמו מדת חסידות. שלח אליו תלמיד אחד ⁶⁰ רבי יוחנן בן זכאי לבדוקו. הלך ומצאו שנטל שמן ונתנו על גבי כירים ונטלו מעל הכירים ונתנו לתוך (מקפה) של גריסין. א"ל: מה אתה עושה, א"ל: כהן גדול אני ותרומה בטהרה אני אוכל. א"ל: כירים זה טמא או טהור? א"ל: וכי יש בתורה על כירים שטמא והלא לא אמרה תורה אלא על תנור שטמא, שנאמר: ⁶¹ 'כל אשר בתוכו יטמא'. א"ל: כשם שאמרה תורה על תנור שטמא כך אמרה תורה על כירים

אבל אין הכוונה לעיר שכל תושביה הם כהנים. אנו מוצאים בספרותנו פרט זה או אחר מחיי הכהונה המקשר כהן פלוני למקום ישוב פלוני, אם כתושב קבוע והוא חקלאי או חוצב או כבעל נכסים, שדות וכרמים שהוא מועבד אותם ע"י אריסים.

⁵⁶ ירוש' תענית פ"ד, ה"ה.

⁵⁷ שמונים — לשון הרבה וראה הסבר מפורט למושג זה ודוגמאות במאמרי "מיהו מנחם?"

סיני כרך נ"ה, עמ' ש'.

⁵⁸ מלח. ו', ב', ב.

⁵⁹ אבות דרבי נתן נ"א, פ', י"ב.

⁶⁰ הנ"ל נ"ב — ר' יהושע (היה שליח).

⁶¹ ויקרא י"א, לג.

חרב, שכן אלה היו יהודים מסורים בלב ונפש למלך ולמדינה. חז"ל דאגו להם והתקינו תקנה: ⁵³ "אין מלך יושב בסנהדרין ולא מלך וכהן גדול יושבין בעבור... מפני החשד." ומהו החשד? שלא יהיו חושדין אותו שרוצה בעיבור שנה משום אפסניא שהוא חולק לחילותיו לשנה ונוח לו בשנים מעוברות. לאנשי צבא הקבע צריך היה לשלם אפסניה — שכר שנתי ולכך היו שתי שיטות: אפשר היה להעניק להם קרקעות במחוזות שכבשו המלכים והפכו את תושביהם לאריסים ואפשר היה לשלם להם כסף שבא מן האריסות של אדמת המלך.

לשם הבהרה נוספת נעיין בארגון תקציב המדינה בדורות ההם. בימי שלטון התלמיים ואחריהם הסלבקיים היה תקציב המדינה נחלק לשנים: המס שהיו מוכסי המלך גובים מן העם ומעלים לאלכסנדריה ואח"כ לאנטיוכיה, והתרומה למקדש. על היעד של כספי התרומות אומרת המשנה: ⁵⁴ "לוקחין בה תמידין ומוספין ונסכיהם, העומר ושתי הלחם ולחם הפנים וכל קרבנות הצבור. שומרי ספיחים בשביעית נוטלין שכון מתרומת הלשכה, כלי שרת ושכר האומנין, פרה (אדומה) ושעיר המשתלח ולשון של זהורית, כבש הפרה וכבש השעיר המשתלח ולשון שבין קרניו." עד כאן לצרכי בית המקדש. אבל קדמונינו לא הבדילו בין החיים הדתיים וצרכי בית המקדש לבין החיים המדיניים-הבטחוניים וצרכיהם. תרומת הלשכה נועדה גם לאמת המים, לחומת העיר ומגדליה ולכל צרכי העיר. אותם סעיפי תקציב שקוראים להם היום שירותים ובטחון אף הם באו מתרומת הלשכה, כלומר — מאוצר בית המקדש. מדינת החשמונאים וצבאה קמו מתוך דחיפה דתית, ואף תקציבם בא מאותה קופה. הדת, השירותים והבטחון — שלושת התקציבים הללו היו תקציב אחד ונמצא במקדש ברשותו של הכהן הגדול, שהיה גם נשיא או המלך מבית חשמונאי. כך היה הדבר מראשית מלחמות החשמונאים ועד לימים שהורדוס כבש את השלטון.

משרבו השטחים הכבושים, במיוחד בימיהם של יוחנן הורקנוס וינאי המלך, ובמשך הזמן נוצרה שכבה רחבה של מקורבים למלכות מבין משפחות הכהונה, נפלו גם בחלקם שדות וכרמים. היו כהנים שהתישבו בנחלאות אלו ועבדו את אדמתם והיו רבים שהעדיפו לשבת בירושלים ולנהל את נחלאותיהם בשיטת האריסות.

התפשטותה של מדינת החשמונאים הלכה בכיוונים שונים: בראשונה צרף שמעון את שלש הנפות — עפרים, לוד ורמתים. כשנטל יוחנן הורקנוס את השלטון במדינה גרש את תלמי בן-חבובו ממבצר דוק שמעל ליריחו וספח את ערבות יריחו ליהודה. אחרי כן כבש את ארצם של האדומים, כלומר — את חברון, אדורים ומראשה וסביבותיה. בסוף ימיו ניהלו בניו מלחמה בהר שמרון והשתלטו על חלקה המזרחי של ארץ הכותים, עד בית שאן. ינאי המלך השלים את כבוש הארץ הכותים והשתלט על כל ערי החוף, מעזה ועד עכו.

בכבושים אלה אין לראות ארצות חדשות, שלא היתה בהן אוכלוסיה יהודית. בכל אלה היו ישובים יהודים מקדמת דנא אבל היו גם מתישבים נכרים — סורים שהתינון, צאצאיהם של חילות הכבוש של אלכסנדר מוקדון ועוד. יש לשער שהיהודים שישבו בארצות אלה לא הפכו לאריסים בשעה שהחשמונאים גאלו אותם משלטון זו, אריסות קמה על אדמתם של הנכרים שנהרגו במלחמות אלו או שברחו מפני צבאות החשמונאים. נעקוב עתה אחרי ערי כהנים ⁵⁵ לפי סדר התרחבותה של המדינה, ותחילה — בשלש הנפות ובדרומה של שומרון.

53 ירוש' סנהדרין פ"ב, ה"א.

54 שקלים ד', א.

55 נקדים ונאמר כי בנושא שלפנינו נוגעים מקורותינו רק בדרך אגב ולפנינו רק פירורי ידיעות שקשה לצרפן לשלמות אחת. אנו קוראים לישוב שמצאנו בו כהן בשם עיר כהנים,

"אין אנו יודעים דבר על אלעזר הכהן בתקופה זו, אולם אפשר כי לא יקשה לזהות את אלעזר הכהן עם ר' אלעזר המודעי הוא היה מקורב לעניני המרד, לדברי האגדה היהודית, ומקורביו של בר-כוכבא, ובעיקר — מוצאו היה מודיעים, עיר של כהנים".
אם נקבל הנחה זו⁴⁹ נמצא שמודיעים היתה עיר של כהנים עד למרד בר-כוכבא למעלה משלוש מאות שנה.

(ט"י) בית בצעים ובית מקושש

אמר ר' יהושע: "מעיד אני על משפחת בית עלובאי מצביים ועל משפחת בית קיפא מבית מקושש שהם בני צרות ומהם כהנים גדולים מקריבין לגבי מזבח".^{49א}
בית צבעים נזכרת בנחמיה י"א, לד יחד עם חדיד, נבלט, לוד ואונו. מזהים אותה עם חרבת אל-בידא, כשלושה ק"מ מצפון-מזרח למושב בית נחמיה, נצ. 9/148.155.
לביית מקושש, עירם של הכהנים מבית קיפא היה גם שם ארמי — כפר לקיטיא, שם זה ידוע ממדרש שלאחר מרד בר-כוכבא: ⁵⁰ "אדרינוס שחיק עצמות הושיב שלש משמרות — אחת בחמתא (אמאוס), אחת בכפר לקיטיא ואחת בבית-לחם יהודה. אמר: מי שיברח מכאן יתפש מכאן...
את כפר לקיטיא מזהים עם בית-ליקיה, בדרך הדרומית היורדת מירושלים ללוד. הכפר הוא כארבע ק"מ מדרום לבית חורון תחתון, נצ. 9/156.142.

ערי הכהנים בתחומי יהודה המורחבת

לפנים, בימי שאול דודו, היתה עונה קבועה למלחמות: לאחר שהאכר היה אוסף את תבואת הישדה והיה פנוי ממלאכה; במקרא קרויה עונה זו "עת צאת המלכים",⁵¹ אבל בדורות שאנו עומדים בהם כבר נהגו להלחם בכל ימות השנה, בלי להשגיח בצרכי האכר. רבים שיצאו לעבודת המלך היו מוסרים את שדותיהם לאריסים.⁵² להתהוות מעמד האריסים היה עוד גורם — המלחמות שעשו מלכי בית חשמונאי לשחרור יהודה מעולה של אנטיוכיה ולגירוש הנכרים מן הערים שנתפסו בהר יהודה ושמרון, בבקעת יריחו, בשפלת החוף ובעבה"י. מלחמות אלו לא פסקו מאז גזירות אנטיוכוס, בעקבותיהן נוצר מעמד חדש — אנשי צבא, קצינים ומפקדים, ששירתו שרות קבע ולא חזרו לעבד את שדותיהם. למלחמות החשמונאים התגיסו יהודים מן הגולה, מבבל ומאסיה הקטנה — מפסידיה וקיליקיה. אין לראותם כערב-רב מבני אומות שונות, שכירי-

49 מהנחה זו נובע שהשלטון שהקים בר-כוכבא היה לרצון הפרושים, שערערו בימי יוחנן הורקנוס ובימי ינאי המלך על שהם נטלו לעצמם את המלוכה ואת הכהונה גם יחד. עתה היתה המלוכה, או הנשיאות, בידי בר-כוכבא — נצר לבית דוד, והכהונה בידי אלעזר כהן למשמר יהויריב.

49א תוס' יבמות פ"א, הוצ' צוק, 241 (24).

50 איכה רבתי, א"ב קדמאה, פ' טז.

51 שמואל"ב י"א, א.

52 האריסות היא הסדר קדום בארצות המזרחי העתיק; בבראשית מ"ז, כד-כו מסופר כיצד נעשו אכרי מצרים אריסים — הם מכרו את שדותיהם בשנות הרעב לפרעה וקבלו ממנו את אדמתם באריסות תמורת חומש מן היבולים. על קרקעות המלך ועל האריסות ר' M. Rostovtzeff. *The Social and Economic History of the Hellenistic World*, I, pp. 277-280

לפי אוריגנס⁴⁰ היה בית פגי במורד הדרומי של הר הזיתים, מקום מושב או כפר של כהנים.

(ז) בית שמש

לפי יהושע כ"א כלולה עיר זו בין תשע ערי הכהנים שבנחלת יהודה והודעה על כך חוזרת גם בדבהי"א ו', מד. בית שמש היתה כלולה בתחומי יהודה מראשית שיבת ציון ויתכן שבין הכהנים שעלו מן הגולה נשתמרה מסורת אבות, שלפיה הם חזרו והשתכנו בעיר אבותיהם.

על ישוב כהנים בבית שמש ידוע לנו רק מפי ר' יוחנן שאמר: ⁴¹ משמרתה היתה קטנה במשמרות והיתה מוציאה שמונים אלף פרחים.⁴²

(ח) מודיעין

חש"א ב', א: "בימים ההם קם מתתיהו בן יוחנן בן שמעון כהן מבני יהויריב מירושלים וישב במודיעים." התאר "מירושלים" או "איש ירושלים" כפי שכותב יוסף בן מתתיהו,⁴³ מראה שמתתיהו ישב בקביעות בירושלים. אבל לאחר שהמתיונים טמאו את בית המקדש והפסיקו את התמיד הוא עזב את ירושלים והשתקע בעיר אבותיו במודיעים. הוכחה נוספת לכך שמשפחת חשמונאי ישבה במודיעין במשך דורות תשמש העובדא ששם היו קברי האבות שלהם: כשמת מתתיהו קברו אותו "בקברי אבותיו במודיעים."⁴⁴ גם את יהודה המכבי הביאו לקבורה במודיעים,⁴⁵ וכאשר פסקו הקרבות ביהודה הקים שמעון מצבה מפוארת על קברי האבות במודיעים לכבוד הוריו ואחיו.⁴⁶ על מספר מטבעות שהוטבעו בימי מלחמת ברי-כוכבא נמצאת כתובת "אליעזר הכהן" בצד אחד ו"שמעון נשיא ישראל" מצד שני.⁴⁷ מיהו כהן נכבד זה, שזכה ובר-כוכבא העמידו שני לו בשלטון?

מקובלת הדעה שהשלטון בימי ברי-כוכבא נחלק בין שני אישים: ברי-כוכבא — נשיא האומה ובידו הרשות הצבאית-הלאומית, ואלעזר — הרשות השניה, הדתית. יש לזכור כי הגורם הדתי, השאיפה להקים את בית המקדש היא שחוללה את המרד ברומי, ומכאן חשיבותו של אלעזר הכהן, ששמו הוטבע על המטבעות.

גדליה אלון⁴⁸ מסתמך על כך שמסורת אגדה תולה באשיותו של רבי אלעזר המודעי את גורלה של המלחמה, ולפיכך קרוב לשער שאמנם הוא אלעזר הכהן, אע"פ שאין לומר זאת בדרך של ודאי. גם שמואל ייבין⁴⁹ דן בזיהוי של אלעזר הכהן ואומר:

40 י. שירר, מהדורה ד', כרך ב', עמ' 297, הערה 64.

41 איכה רבה, על הכתוב "בלע ה' ולא חמל".

42 פרחים — פרחי כהונה. המספר, כמובן, אגדי אבל אין הוא עשוי לבטל את ההודעה

על ישוב כהנים בבית שמש בימי בית שני.

43 קדמ. י"ב, ו', א', 265.

44 חש"א ב', סט.

45 שם, ט', יט.

46 שם, י"ג, כו-כט.

47 יעקב משורר, מטבעות היהודים בימי בית שני, עמ' 119.

48 תולדות היהודים בארץ ישראל בתקופת המשנה והתלמוד, תשט"ו, עמ' 37.

49 מלחמת ברי-כוכבא, מהדורה ב', עמ' 63.

אין זה מקרה שאלשיב הכהן הגדול פינה לשכה בחצר בית המקדש ומסר אותה לטוביה — לשכה ששימשה לשמירת "המנחה הלבונה והכלים ומעשר הדגן התיירוש והיצהר מצות הלויים והמשררים והשוערים ותרומת הכהנים".³⁴ נאמר שטוביה היה מראשי העם:³⁵ "בימים ההם מרבים חרי יהודה אגרתיהם הולכות על טוביה ואשר לטוביה באות אליהם." מסתבר שטוביה היה מנהיג מוכר בעם, אמנם, דעותיו ומהלכיו המדיניים היו שונים מאלה של נחמיה ולכן היה יריבו של הפחה, אבל מעמדו לא נפגע בזה שחלק על נחמיה. ולמה היתה דרושה לטוביה לשכה בחצר בית המקדש? אם בית מגורים — הן היו בתים רבים בירושלים מאין יושב, יכול היה להתקין לו בית למגוריו הארעיים כשהיה בא לירושלים, הוא היה איש עשיר, ויכול היה לעשות זאת בכספו שלו. כנראה שבחר בלשכה על הר הבית משום שהיה כהן והיה לו תפקיד שם ובקש לקיים את תפקידו מלשכה זו. יתכן שהיה כהן בתפקיד מינהלי, אמרכל או איש הבירה. בהעדרו מירושלים, כשהתגורר בפיכולה או בצור שבעבה³⁶, היו האנשים שואלים בעצתו או מקבלים את הוראותיו על-ידי חליפת מכתבים.

אין התורה אוסרת נשואי כהן עם בת ישראל, אולם לשם שמירת טהרתן של משפחות הכהונה היו נשואי בנות כהן הנוהג. ומצאנו:³⁷ יהוחנן בן טוביה, יריבו של נחמיה, לקח את בת משלם בן ברכיה הכהן; יוסף בן טוביה נשא את בתו של שמעון הצדיק; וכן החתונה בין משפחות הכהונה בגופנא, שעליה נדון להלן. ביכלר³⁸ מצטט את פילון האומר: "הכהן הגדול צריך לשאת אשה רק בתולה מזרע כהנים"³⁹ והוא מעיר שלדבריו אלה של פילון אין יסוד לא במקרא ולא בהלכה המאוחרת. כנראה שזה היה הנוהג. בקשר לכך מביא ביכלר שורה של הוכחות על נוהג זה: ממשפחת ר' טרפון, ממשפחת זכריה ממשמר אביה מבית הכרם, מרתא אשתו של הכהן הגדול יהושע בן גמלא היתה מבית ביתוס.

אבא שמואל בן בטנית מוסר לנו פזמון עממי שהיו שרים על משפחות הכהנים הגדולים בסוף ימי בית שני:⁴⁰

אוי לי מבית ביתוס — אוי לי מאלתן

אוי לי מבית חנין — אוי לי מלחישתן

אוי לי מבית קתרוס — אוי לי מקולמוסן

אוי לי מבית ישמעאל בן פיאבי — אוי לי מאגרופן, שהם כהנים גדולים ובניהן גיזברין וחתניהם אמרכלין ועבדיהן חובטים את העם במקלות.

"חתניהם אמרכלין" — וזהו תפקיד שרק כהן יכול למלא אותו, ומכאן שהשיאו את בנותיהן לכהנים.

בעובדות שהבאנו לעיל על נוהג ההשתדכות במשפחות הכהונה ביניהם יש משום הצדקה להנחה של קלוזנר, שבני טוביה היו כהנים, לפי זה נוכל לכלול את פיכולה שבהר יהודה, ברשימת ערי הכהנים.

(ה) בית פגי או בית פאגי

34 נחמיה י"ג, ד-ה.

35 שם ו', יז.

36 שם, שם, יח.

37 הכהנים ועבודתם, בתרגומו של נפתלי גינתון, עמ' 67.

38 על המלוכה ב', יא.

39 תוס' מנחות י"ג כ"א; פסחים נ"ז, ע"א.

(ו) פיכולה

עיר זו נקראת כיום ואד-פופין. היא שוכנת בהר יהודה, ברום של 680 מ', למערבה של פרשת המים, תשעה ק"מ ממערב לבית-לחם ושני ק"מ מדרום — מזרח ל"מזלג"; נ.צ. 9/159.123. זיהוי זה שהציע ב. מייזלר²⁸ (מזר) הוא על יסוד דמיון השם, השרידים המרובים שבכפר הערבי מהתקופה ההלניסטית והרומית והקרבה לירושלים — דבר המתאים למהלך המאורעות שבקשר אליהם מוזכר שם המקום.²⁹

יוסף בן מתתיהו מספר³⁰ על משבר שפרץ ביהודה כאשר הכהן הגדול חוניו סרב לפרוע את המס בסך עשרים ככר כסף בשביל העם, שהיו אבותיו משלמים למלכים משלהם. דבר זה הביא את המלך תלמי אברגטיס לידי כעס והוא שלח שליח לירושלים שאיים כי אם לא ישולם המס יגשל המלך את היהודים מאדמתם וישיב עליה חיילים. וכאן חל המפנה: "ויהי אחד יוסף, צעיר לימים עדיין, ואף-על-פי-כן יצא שם צדקתו בקרב אנשי ירושלים בגלל הדרת כבודו ותבונתו, והוא נולד לאביו טוביה מאחותו של חוניו הכהן הגדול. כשסיפרה לו אמו על בוא השליח — שכן הוא עצמו נקרה לצאת אתה שעה לכפר פיכול,³¹ מקום מוצאו — בא אל העיר והטיח דברים כלפי חוניו."

במאמרו הנ"ל סוקר מייזלר את תולדות בני טוביה ומקום הולדתו של יוסף פיכולה ואומר שזוהי ודאי אחוזה של בני טוביה סמוך לירושלים. לדעתו, קרבתם של בני טוביה לבית הכהנים הגדולים אינה מקרית כל עיקר. מרחיק לכת ממנו קלויזנר³² האומר כי יוסף בן טוביה, גיסו של הכהן הגדול, בן אחותו של חוניו, כלומר — נכד של שמעון הצדיק מצד אמו, אף הוא נמנה עם משפחת הכהנים. כדי לבסס הנחה זו עלינו לבחון את היחסים בין בני טוביה לבין הכהונה הגדולה בדורות קודמים:

זכריה הנביא מצוה³³ על חלדי, טוביה וידעיה לקחת את הכסף ואת הזהב מן האנשים אשר באו מבבל לעשות שתי עטרות, האחת ליהושע בן יהוצדק, הכהן הגדול, והשניה ל"צמח". בחבורה זו בת ארבעה ידועים לנו שנים ככהנים — זכריה הנביא וידעיה, ראש המשמר הנושא את שמו. אין לראות בארבעה אלה מפגש מקרי של אנשים מחברות או מעמדות שונים, זוהי חבורה אחת העוסקת בבנין בית המקדש והשבת העבודה בבית-המקדש על כנה. בקשר לכך היא דואגת להכנת העטרה, זהו נזר הקודש שבראש הכהן הגדול לפי שמות כ"ט, ו. יש מקום לסברה שהתפקיד של הכנת העטרה לא הוטל אלא על כהנים בלבד ולפיכך יש להניח שחלדי וטוביה אף הם היו כהנים.

28 ר' מאמרו: בית טוביה, תרביץ י"ב, עמ' 109; הערה 4.

29 נראה לי שיש להציע זיהוי נוסף למקום, קדום יותר; בתרגום ה-ע' ליהושע ט"ו, נ"ד, בין אחת עשרה הערים החסרות בנוסח המסורתי, כלולה אחרי עיטם העיר Κολλομ או Κολλομ השם היווני פיכולה בכתוב עברי חסר, כפי שכתבו בזמן העתיק, יהיה פכל. נמצא ששתיים משלוש האותיות משותפות עם השם שבתרגום ה-ע', את הניב "פ" או "פי" ניתן להסביר בתורת קידומת לשם הישוב היושב על מים רבים כמו קידומות דומות המראות על ישוב ע"י מעין — עין... מוצא... מי, בדומה לשם פי מצובא בגליל העליון. בארמית הפכה הקידומת פי ל"פום", כגון: פום-בדיתא, פום-נהרא. ואמנם בודאי פוכין שפע של מים. בצפוגו של הכפר נובע מעין המכונה עין אל-כניסה, בדרומו נובע עין א-תינה, במרחק של ק"מ אחד מהכפר נובע עין אל-מדיק או עין אוס-זיק. ומהלך מה מערבה נובעים עין אל-פאואר ועין סובח.

30 קדמ. י"ב, ד', א-ב; 157-161.

31 כך כותב א. שליט בתרגומו; מייזלר במאמר הנ"ל כותב פיכולה.

32 היסטוריה של בית שני, כרך ב' עמ' 133.

33 ו', ט-טו.

(ג) בית הכרם

לפי מסורת של אבות הכנסייה, הידועה לנו רק מן המאה הששית, ישבו בבית הכרם זכריה ואלישבע, הוריו של יוחנן המטביל. זכריה נמנה על משמר אביה.²¹ בית הכרם היא עין-זכרם, שכונה במערבה של ירושלים.

(ד) בית ר

במקום אחר²² הסברתי, כי בבית ר ישבו כהנים ממשמר בלגה. ידוע שהכהנים ממשמר זה נטו ליונות; מהם יצאה הסיסמא לבטל את היחוד שבעם ישראל ולהתמזג עם העולם ההלניסטי. ידוע המעשה של מרים בת בלגה, שהלכה ונשאה לסרדיוט אחד ממלכי יון. וכשנכנסו גויים להיכל באתה וטפחה בסנדלה על גגו של מזבח ואמרה: לוקוס, לוקוס!²³ אתה החרבת ממונן של ישראל ולא עמדת להם בעת צרה. וכששמעו חכמים בדבר (לאחר שגברה יד בית חשמונאי) קבעו את טבעתה (שלא יוכלו כהני משמר בלגה לעקוד את הקרבן) וסתמו את חלונה²⁴ (בחלונות היו שמורים הסכינים של כל משמר ומשמר), כלומר — נטלו ממשמר בלגה את הזכות לשמש בקודש. החרם על משמר זה היה חמור וכאשר באו חכמים לאסוף את כתבי הקודש, שקלקלו המתיונים, גזרו אלאם על בית ר עירם, אבל בתרגום השבעים, שנעשה לפני גזרות אנטיוכוס וע"פ נוסח קדום, מוזכרת בית ר שלש פעמים.

(ה) כפר חבתא

יוסב"מ מספר על ימיה האחרונים של ירושלים: ²⁵ הקנאים הדיחו את הכהן הגדול חנן בן חנן, קראו לאחת ממחלקות הכהונה ושמה יקים²⁶ וברחו להן כהן גדול בגורל. "ובמקרה זכה בגורל... איש אחד וישמו פנחס²⁷ בן שמואל מכפר חפתא, אשר לא יצא מהכהנים הגדולים וגם לא הביז מה היא הכהונה הגדולה, כי היה אכזר עובד אדמה. אולם הם סחבו אותו בעל כרחו מן הישדה... ולמדו אותו מעשה עבודתו לעת מצוא."

מסתבר ש"יוסב"מ אינו אוביקטיבי כלל, כי הספור עליו לפי מקורותינו שונה: ²⁷ "אמרו עליו על פנחס איש חבתא שעלה גורלו להיות כהן גדול והלכו עליו גזברין ואמרכלין ומצאוהו חוצב ומלאו עליו את המחצב דינרי זהב. אמר ר' חנניה בן גמליאל לא הסתת היה והלא חתנינו היה אלא מצאוהו כשהוא חורש כמו שנאמר באלישע שנים-עשר צמדים לפניו והוא בשנים-עשר."

ישוב זה נזכר רק בקשר לענין זה וקשה לזהותו. פרס מציע לזהות את כפר חבתא בחרבת אל-חבין, ממערב לבית ר. נ.צ. 9/157.125.

21 ר' ש. קליין, ארץ יהודה ע' 90; Dalman, *Orte und Wege*, S. 58.

22 ר' מאמרי: "משמר בלגה" בבית מקרא חוב' כג-כד תשכ"ה.

23 לוקוס — זאב, והוא סמלו של בנימין, שהמזבח בנחלתו. חז"ל דרשו את הפסוק בנימין זאב יטרוף מדבר במזבח: מה הזאב הזה טורף, כך היה המזבח טורף את הקרבנות (בר"ר צ"ט, ג).

24 סוכה נ"ו, ע"א.

25 מלח. ד', ג', ח (בתרגום שמחוני).

26 המשמר הי"ב.

27 בויקרא רבה סוף פרק כ"ו הוא נקרא פנחס הסתת.

27 תוס' יומא א', צוק. 180 (34).

עלינו לחפש במקורות איפה ישבו משפחות כהנים ישיבת קבע, נוסף על ישיבת אראעי שלהם בירושלים בהגיע מועד משמרתם למלא את תפקידם בעבודת בית המקדש. עיר כהנים אין פירושה שכל תושביה הם כהנים, אלא זוהי עיר שיושבות בה משפחות כהנים ישיבת קבע וע"פ רוב יחד עם משפחות שלא מן הכהונה.

מטעמים שנעמוד עליהם להלן נבדיל בין ערי כהנים ביהודה הקטנה, עד להרחבת גבולותיה על-ידי מלכי בית חשמונאי ובין ערי כהנים בתחומי יהודה המורחבת.

(א) מוצא

יוסף בן מתתיהו מספר¹⁵ כי אחרי שטיטוס דכא את המהומות ביהודה נתן לו לנחלה כבדת אדמה במישור חלף שדותיו אשר בקרבת ירושלים, שלא הביאו לו שום תועלת, כי שם חנה משמר רומאי. לפי התפיסה של הימים ההם — הארץ שכבש הקיסר היא שלו. האוכלוסיה שנשארה בארץ הם אריסים של הקיסר, הם מעבדים את האדמה ובשכר זה הם נהנים מחלק של היבול, אבל בעלות על הקרקע אין להם יותר. נחלתו של יוסב"מ, שלא נלחם בקיסר, לא נכללה בסוג זה, אבל היא היתה דרושה לקיסר כדי להושיב שם משמר צבאי אשר ישמור על הדרך לירושלים, ולכן החליף את נחלתו בנחלה אחרת הרחק מירושלים. הקיסר שלח הוראות לבאסוס וללאבריוס מקסימוס שיחכירו את כל השטח היהודי, כי הוא לא יסד שם שום עיר (בעלת משטר הלניסטי) ושמר את המדינה לעצמו, ורק לשמונה מאות חיילים ותיקים, שנשתחררו מן הצבא, הוא העניק מקום כמתישבים, שהיא נקראת אמאוס, במרחק שלשים איצטודיות מירושלים.¹⁶ זהו מרחק של ששה, שבעה ק"מ מן העיר ולפיכך משערים שהכונה למוצא או המוצא = Ἀμμοσα שנשתבש ל-Ἀμμοσθ.¹⁷ זכר למושב של הוטרנים הללו נשאר בשם "קולוניה", כפר ערבי שעמד מעל למושב מוצא.¹⁷

(ב) מצפה

רב הונא מייחס את סדורה של מסכת תמיד לרבי שמעון איש המצפה.¹⁸ ורבי יוחנן מייחס לו גם את יומא וגם את תמיד.¹⁹

אם כדעת ר' הונא ואם כדעת ר' יוחנן ברור שר' שמעון היה בקי בסדרי הר הבית והעבודה, הוא הכיר כל בנין וכל כלי וידע כיצד מקיימים כל תפקיד ותפקיד. זה יתכן רק אם נאמר שהוא היה כהן ושימש בעבודה.

נציין שהיה עובד אדמה, וכך מסופר עליו: ²⁰ "מעשה שזרע רבי שמעון איש המצפה (שני מיני חטים ובא) לפני רבן גמליאל (הזקן) ועלו ללשכת הגזית ושאלו. אמר נחום הלביר: מקובל אני מרבי מיאשא שקבל... הלכה למשה מסיני בזורע את שדהו שני מיני חטין אם עשאן גורן אחת נותן פאה אחת, שתי גרנות — שתי פאות." מצפה, הידועה מתולדות שמואל, היא תל-א-נסבה, ק"מ מדרום לרמאללה.

15 חיי יוסף, בתרגומו של מנחם שטיין, פרק ע"ו, וראה גם הערותיו של המתרגם.

16 מלח. ז', ו', ו.

17 ר' י. פרס, אנציק. ארץ ישראל ע' אמאוס; מ. אבי יונה, גיאוגרפיה היסטורית של ארץ ישראל, עמ' 92.

18 יומא י"ד, ע"ב.

19 הנ"ל וכן ירוש' פ"ב, ה"ב.

20 פאה ב', ו'.

את הערים המנויות ביהושע כ"א. אולם בפסוקים אלה לא הובאו שמות הערים בהן ישבו הכהנים, ומציאותם של מרמות ופשחור בין מקבלי מנות בערד מעידה שאין כל בטחון כי אמנם התקבצו כהני הבמות מכל ערי ישראל והשתכנו בשלש-עשרה הערים שנועדו להם לפי ס' יהושע.

אם ננסה לשחזר בדמיונו את מצבם של כהני הבמות בימי חזקיהו נמצא שבערי השדה נלקח מהם תפקידם הקודם; הם השתלבו¹¹ בסדר מסויים בין כהני המקדש והמלך דאג לפרנסתם גם בבואם לירושלים וגם בשבתם בערי השדה. האם היה עליהם לעקור ממקומות מושבותיהם ולהתרכז באותן י"ג ערים המנויות ביהושע כ"א? אין בידינו ידיעה כי ניתנה להם הוראה לעשות כן, מרצונם ודאי שלא עשו זאת, כי למה יעזוב איש את ביתו ואת עירו, בה בילו אבותיו את חייהם מדורות והוא בתוך עמו יושב, מקובל על הבריות ומכובד בעיניהם, כדי לעבור לעיר אחרת, ללא בית ולהתחיל הכל מחדש, כמו מהגר. ואם נניח שהרשימה ביהושע כ"א היא ריאלית ובימיו הוקצו ערים ומגרשים לבני אהרון, וכי זה עמד ריק כל הימים, האם איש לא חמד את הקרקע ועיבד אותה ובתוקף זה החזיק בה והיא הפכה לחלק מנחלתו?!

בדומה לכך קרה בימי יאשיהו: הוא השבית את הבמות בערי יהודה "ויבא את כל הכהנים מערי יהודה" לירושלים. אבל זכות עבודה בבית המקדש לא ניתנה להם: "אך לא יעלו כהני הבמות אל מזבח ה'". בראשונה ניתן להם לחם-חסד: "כי אם אכלו מצות בתוך אחיהם," אבל ספק אם השלימו עם מעמד בזוי זה. יתכן שלאחרי זמן חזרו איש, איש לעירו.

נאמר על כן שאין לנו עדות כלשהי על קיום ערי כהנים בסופה של תקופת בית ראשון; בבואנו לדון על מקומות מושבותיהם של הכהנים בתקופת שיבת ציון אין אנו כבולים לרעיון המשכיות של ישובי הכהנים במקומותיהם.

ארבע משמרות כהונה עלו מן הגולה: ידעיה, אמר, פשחור וחרם והם מנו 4289 איש.¹² מגמתם היתה להקים את בית המקדש ולחדש את העבודה בו, ולפיכך היה עליהם לשבת בירושלים. אולם בניית בית המקדש לא התקדמה כפי שקיוו, כי בגלל המלשינות נפסקה הבניה למשך שנים, והוקם רק מזבח העולה. בו בלבד לא היה כדי להעסיק כהנים כה רבים, על כן פנו איש לעירו. על ימים אלה נאמר: ¹³ "וישבו הכהנים והלוויים ומן העם והמשררים והשוערים והנתינים בעריהם וכל ישראל בעריהם." אין לקבל את הבטוי "וישובו לירושלים ויהודה איש לעירו"¹⁴ כפשוטו, שכן ערי יהודה לא עמדו ריקות במשך שנות הגלות; דלת העם, שלא הלכה לגולה, השתלטה על נחלאות הגולים; בדרום פלישו האדומים והתנחלו בהר חברון ועד בית צור הגיעו; בצפון התפשטו השומרונים עד סמוך לשערי ירושלים, ובמערב נגסו בנחלת יהודה וישובי פלשת. בשמונה מבין תשע "ערי הכהנים" שבנחלת שמעון ובנימין ישבו אדומים; הכהנים יכלו לשוב לבית שמש. הם יכלו לשוב גם לארבע הערים שבנחלת בנימין, אבל בכל המקומות שבידינו על תולדות הישוב בימי בית שני לא מצאנו ישובי כהנים בערים אלו פרט לבית-שמש.

11 יאשיהו קבע "אך לא יעלו כהני הבמות אל מזבח ה' בירושלם כי אם אכלו מצות בתוך אחיהם" (מל"ב כ"ג, ט) אבל חזקיהו לא הפלה אותם לרעה, הוא הכשיר אותם וכלל אותם בין משמרות הכהונה.

12 עזרא ב', לו-לט.

13 שם ב', ע.

14 שם ב', א; נחמיה ז', ו.

ואם היו מקדשים או במות בכל עיר היו בודאי גם כהנים שישבו ישיבת קבע בכל הערים הללו.

אין לראות את כל הבמות כמקומות פולחן לעבודה זרה ואין לראות את הכהנים ששרתו בבמות ככהנים לעבודה זרה. המקדש בירושלים היה קיים דורות רבים לפני אליהו, ובודאי היה ידוע לכל הנאמנים לאלהי ישראל, אף-על-פי-כן בונה אליהו מחדש מזבח על הכרמל, ואין איש רואה פסול בדבר. המקדש שנחשף בערד דומה בתכניתו למקדש בירושלים ויש להניח שהעבודה בו היתה לפי חוקת התורה ועל-ידי כהנים מבית אהרן. במצודה הרביעית שבערד, השייכת — כנראה — לימי חזקיהו, מצא יוחנן אהרונ⁶ אוסטרקונים קטנים, שעל כל אחד מהם כתוב שם אחד. בין השמות הללו אנו מוצאים שנים — מרמות ופשחור, שהם שמות של כהנים. והלא ערד אינה כלולה בין י"ג ערי הכהונה המנויות ביהושע כ"א, וכיצד הגיעו הכהנים ממשמר מרמות וממשמר פשחור למקדש בערד?

כנראה שבכל מקדש עירוני שמשו כהנים מבני אהרן וכאשר בטל חזקיהו את הבמות, אלו המקדשים העירוניים, לא היו אלה במות לעבודה זרה, כי אם מקדשים מקומיים לאלהי ישראל. וראה לדבר נמצא בדברי רבשקה באוני חיילי חזקיהו העומדים על החומה: שמע התקונים הדתיים שתקן חזקיהו הגיע גם לאשור, הם לא היו מובנים להם, שהרי הרעיון של רכז הפולחן לאל אחד היה חידוש יהודי, שלא היה כמוהו בכל ארצות הקדם. כדי להמیس את לב הצבא מסביר רבשקה שאין תקוה להתנגדותם: "וכי תאמרון אלי אל ה' אלהינו בטחנו הלא הוא אשר הסיר חזקיהו את במתיו ואת מזבחתי...".⁷

חזקיהו הבין שאין די באסור הבמות ואף לא בהריסתן, שהרי בנין שנהרס ניתן להקים מחדש; הוא הבין שבקיום הבמות בכל עיר ועיר היו מעוניינים הכהנים ששרתו בהם. כדי שהכהנים לא יחזרו ויבנו את הבמות מחדש צריך להבטיח את פרנסתם ממקור אחר. לשם זה ארגן חזקיהו את מנת הכהנים והלוויים, כלומר — התרומות והמעשרות, ככתוב בתורת ה'.⁸ הוא חלק את הכהנים למחלקות וקבע את זמנה של כל מחלקה לעבודה בבית המקדש; המחלקה⁹ שבתפקיד יושבת באותו זמן בירושלים וכל האחרים יושבים במקומותיהם. בקשר לחלוקה זו מזכיר הכתוב את "ערי הכהנים": דבהי"ב ל"א, טו — (על פקידיו כונניהו, הממונה על תרומות הכהנים, הוטל) "בערי הכהנים באמונה לתת לאחיהם במחלקות כגדול כקטן". שם פס' יט — "ולבני אהרן הכהנים בשדי מגרש עריהם בכל עיר ועיר אנשים אשר נקבו בשמות לתת לכל זכר ככהנים ולכל התיחש בלוים".

מכאן אנו למדים שחזקיהו מינה פקידים מיוחדים שתפקידם היה לכלכל מתרומות הלשכה את הכהנים ובני משפחותיהם בעריהם, מלבד המחלקה ששרתה במקדש בשבוע שנועד לה לפי התור, וקבלה את מזונותיה במקום, מן הקדשים שנועדו לכהנים לפי התורה: לחם הפנים, מנחת הסולת, קרבן חטאת וקרבן אשם.

הפרשנים¹⁰ רואים ב"ערי הכהנים" שבפס' טו ו"בשדי מגרש עריהם" שבפס' יט

6 אוסטרקונים העבריים מערד, דברי הקונגרס העולמי הרביעי למדעי היהדות, כרך א', עמ' 11.

7 מ"ב י"ח, כב.

8 דבהי"ב ל"א, ד ואילך.

9 בימי בית שני — משמר.

10 ר' פירושו של Curtis בסדרת J.C.C.; Rudolph בפירושו לדבהי" מייחס את ענין אספקת צרכיהם של הכהנים הנ"ל לימי נחמיה והוא מסתמך על נחמיה י"א, ב' וכ"ה. אולם אלו הן מעשים שונים בתקופות שונות ואין כל יסוד לאחזן לאחת.

ערי הכהנים בימי בית שני*

ב"צ לוריא

ירושלים

על יסוד פיוטי ר' אליעזר הקליר עלתה בידי ש. קליין לשחזור ברייתא של משמרות הכהנים ומקומות מושבותיהם בגליל בדורות שלאחר חורבן בית שני¹. משפחות הכהנים נדדו לגליל משום שלא יכלו להשאיר בעריהם ביהודה; אולם מה שמות ערי הכהנים ביהודה לפני החורבן?

כדי לפתור בעיה זו עלינו לבדוק תחילה איפה ישבו הכהנים בימי בית ראשון, שמא היתה כאן מסורת ישובית של דורות שלא פסקה כלל.

לפי יהושע כ"א, י"ט הוא ערי הכהנים שני גושים: הגוש האחד היה בנחלת שמעון ויהודה, שכלל תשע ערים: חֶבְרוֹן, לִבְנָה, חֶלֶץ, דָּבֶר, עֵינָן, יֶטָה וּבֵית-שֶׁמֶשׁ, והגוש השני בנחלת בנימין, שכלל ארבע ערים: גִּבְעוֹן, גִּבְעָה, עֲנָתוֹת וְעֶלְמוֹן. תמוה הדבר, שלא מצאנו ברשימת ערי הכהנים את שלש הערים שבהן עמד המקדש מימי יהושע ועד ימי דוד, והן: גִּלְגַּל, שֶׁלָה, ונוב. ולא זו בלבד, עצם הרעיון של שכון הכהנים בי"ג ערים מעלה הרהורים וספקות: בימים ההם היו במות רבות, וניתן לאמר — בכל עיר, ומי שרת שם? ואם כהנים שרתו בבמות בכל ערי ישראל, ודאי גרו באותה עיר בה שרתו, ולא אִי-שם, באחת מערי שמעון ויהודה, בדרום הרחוק.

עם הקמת המקדש בירושלים, לא פסקה העבודה בבמות שבכל עיר ועיר, אף לא בירושלים עצמה. על יִשְׁלָמָה מסופר² כי הלך לבו אחרי עשתרת אלֹהֵי צִדוֹנִים וכי בנה במה לכמוֹשׁ שְׁקוֹץ מואב ולמולך, או מלפם, שְׁקוֹץ בְּנֵי עַמּוֹן. בימי רחבעם לא חל כל שְׁנוֹי לטובה, נאמר³ "ויבנו... במות ומצבות ואשרים על כל גבעה גבהה ותחת כל עץ רענן". כך נהג העם וכך נהג המלך. ואם אנו קוראים ביחס לאסא מלך יהודה, כי העביר את הקדשים מן הארץ והסיר את כל הגללים ואת המפלצת לאשרה, כי לבו היה שלם עם ה', בכל זאת הבמות לא סרו גם בימיו⁴. כך היה המצב גם בימי יהושפט בנו: המלך הלך בדרך אביו "אך הבמות לא סרו עוד העם מזבחים ומקטרים בבמות."⁵ מסתבר שהיו שנים שהפולחנות הזרים היו נפוצים יותר והיו שנים שפולחנות אלה צומצמו, אבל במות בערים היו במשך כל הדורות ועד לימיו של חזקיהו לא העיז שום מלך ביהודה לפגוע בבמות ולבסס את הפולחן על המקדש בירושלים בלבד.

* עיר כהנים הוא ישוב שבו התגוררו כהנים בזמן שמשמרתם לא מילאה תפקיד בבית המקדש. בימי בית שני היה מעמדם שונה מבעבר, הם היו בעלי קרקעות — שדות ופרדסאות, ובתקופת החשמונאים ועד לחורבן — גם בעלי אחוזות גדולות. במאמר זה נדון איפה היו ישוביהם ונחלאותיהם.

1 ספר הישוב א', ע"ע 162-165.

2 מל"א, י"א, ה-ו.

3 שם י"ד, כג.

4 שם ט"ו, יג-יד.

5 שם כ"ב, מד.

